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No. 50]

NEW DELHI, SATURDAY, DECEMBER 15, 2001/AGRAHAYANA 24, 1923

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलग संकलन को रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3362.—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (अधिनियम सं. 25/1946) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा सरकार, गृह-विभाग की दिनांक 18 अक्टूबर, 2001 की अधिसूचना संख्या-20/12/2001-3 एच. जी.आई. चंडीगढ़ द्वारा प्राप्त सहमति से, पुलिस थाना सिटी, बहादुरगढ़, जिला झज्जर (हरियाणा) में दिनांक 05-05-2001 को प्रथम सूचना रिपोर्ट संख्या 140 के अंतर्गत दर्ज मामले के संबंध में भारतीय दंड संहिता, 1860 (अधिनियम संख्या 45/1860) की धारा 302 और सशस्त्र अधिनियम की धारा 27, 54 और 59 के तहत दंडनीय अपराधों और ऊपर वर्णित अपराधों से संबंधित

अथवा संसक्त प्रयत्न, बुझेरण और खड्यंत्र तथा ऐसे ही संयवहार के अनुक्रम में किया गया अथवा किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार, एतद्वारा संपूर्ण हरियाणा राज्य के संबंध में करती है।

[संख्या 228/32/2001-ए.बी.डी.-II]

हरि सिंह, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION

(Department of Personnel and Training)

New Delhi, the 29th November, 2001

S.O. 3362.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government

with the consent of the State Government of Haryana vide Home Department Notification No. 20/12/2001-3 HGI Chandigarh dated 18th October, 2001, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Haryana for investigation of offences under section 302 of the Indian Penal Code 1860 (Act No. 45 of 1860) and sections 27, 54 and 59 Arms Act and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts registered at Police Station City, Bahadurgarh, District Jhajjar (Haryana) vide FIR No. 140 dated 5-5-2001.

[No. 228/32/2001-AVD.II]
HARI SINGH, Under Secy.

नई दिल्ली, 4 दिसम्बर, 2001

का.आ. 3363.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तमिलनाडु राज्य सरकार के गृह (एससी) विभाग के पत्र सं. एससी/59341/2001 दिनांक 09-11-2001 द्वारा प्राप्त तमिलनाडु राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार निम्नलिखित अपराधों के अन्वेषण के लिए सम्पूर्ण तमिलनाडु राज्य पर करती है:—

- (क) वेदरगियम पुलिस स्टेशन जिला नागापट्टीनाम, तमिलनाडु में दर्ज अपराध मामला सं. 450/91 से संबंधित मामले में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 224 के अधीन दंडनीय अपराध और मामला अपराध सं. 451/91 से संबंधित मामले में दंड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) की धारा 174 के अधीन दंडनीय अपराध।
- (ख) उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्न, छुप्रायण और छुपका तथा उसी संव्यवहार के अनुक्रम में किए गए उन्हीं तथ्यों से उद्भूत कोई अन्य अपराध/अपराधों।

[सं. 228/73/2001-ए.वी.डी. - II]
शुभा ठाकुर, अवर सचिव

New Delhi the 4th December, 2001

S.O. 3363.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of

the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Tamil Nadu vide its Home (SC) Department letter No. SC/59341/2001 dated 9-11-2001 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Tamil Nadu for investigation of offences as hereunder :

- (a) Offences punishable under section 224 of the Indian Penal Code 1860 (Act No. 45 of 1860) relating to case Crime No. 450/91 and offences punishable under section 174 of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) relating to case in crime No. 451/91 both registered at Vedarayam Police Station, Nagapattinam District, Tamil Nadu.
- (b) Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/73/2001-AVD.II]

SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 22 नवम्बर, 2001

स्टाम्प

का.आ. 3364.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सै. आई.सी.आई.सी.आई. लिमिटेड, मुम्बई को मात्र दो करोड़ पन्द्रह लाख उनहत्तर हजार पांच सौ अठ्ठासी रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कंपनी द्वारा जारी किए जाने वाले मात्र दो सौ सत्तासी करोड़ उनसठ लाख पैंतालीस हजार रुपए के संप्रदाय मूल्य के ऋणपत्रों के स्वतः वाले 575189 आई.सी.आई.सी.आई. अमूर्तित विमोचन बंधपत्रों (सितम्बर, 2001 निर्गम) पर स्टाम्प शुल्क के कारण अभाव है।

[सं. 52/2001-स्टाम्प फा.सं. 33/67/2001-वि.क.]

आर.जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 22nd November, 2001

STAMPS

S.O. 3364.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamps Act, 1899 (2 of 1899), the Central Government hereby permits M/s. ICICI Limited, Mumbai to pay consolidated stamp duty of Rupees two crore fifteen lakh sixty nine thousand five hundred eighty eight only chargeable on account of the stamp duty on 575189 ICICI Unsecured Redeemable Bonds (September, 2001 Issue) in the nature of Debentures aggregating to rupees two hundred eighty seven crores, fifty nine lakh forty five thousand only, to be issued by the said company.

[No. 52/2001—Stamps F. No. 33/67/2001—ST.]

R. G. CHHABRA, Under Secy.

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

मुद्रित पत्र

नई दिल्ली, 23 नवम्बर, 2001

का.आ. 3365.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग की दिनांक 21-9-2001 की अधिसूचना सं. 307/2001 (फा.सं. 203/35/2001-आ.का.नि.-II) में आंशिक संशोधन करते हुए पृष्ठ-2 की क्रम सं. 1 पर संगठन के नाम को "आई एन वाई एस मेडिकल रिसर्च सेंटर आई एन वाई एस कॉम्प्लेक्स, जिन्दल नगर, टिमकूर रोड, बंगलोर-560073" के स्थान पर आई एन वाई एस मेडिकल रिसर्च सेंटर आई एन वाई एस कॉम्प्लेक्स जिन्दल नगर, टिमकूर रोड, बंगलोर-560073 पढ़ा जाए।

[अधिसूचना सं. 351/2001 फा. सं. 203/35/2001-आ.का.नि.-II]

संगीता गुप्ता, निदेशक (आ.का.नि.-II)

(Central Board of Direct Taxes)

CORRIGENDUM

New Delhi, the 23rd November, 2001

S.O. 3365.—In partial modification of Ministry of Finance, Department of Revenue, Government of India Notification No. 307/2001 dated 21-9-2001 (F.No. 203/35/2001-ITA.II) the name of organisation at S.No. 1 of page 2, should be read "INYS Medical Research Society INYS Complex, Jindal Nagar, Timkur Road, Bangalore-560073" instead of "INYS Medical Research Centre, INYS Complex, Jindal Nagar, Timkur Road, Bangalore-560073".

[Notification No. 351/2001 F.No. 203/35/2001-ITA.II]

SANGEETA GUPTA, Director (ITA. II)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 26 नवम्बर, 2001

का.आ. 3366.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) (ज) एवं 3(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा डा. बी. मधव भण्डारी, मेडिकल प्रैक्टिशनर, सरस्वती निलाय, 2 क्रॉस रोड, गांधीनगर, मंगलोर-3 को 26 नवम्बर, 2001 से तीन वर्ष की अवधि के लिए बैंक ऑफ महाराष्ट्र में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा.सं. 9/17/2000-बी.ओ.-I(ii)]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 26th November, 2001

S.O. 3366.—In exercise of the powers conferred by sub-section (3)(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Dr. B. Madhava Bhandary, Medical Practitioner, Saraswathi Nilaya, 2nd Cross Road, Gandhinagar, Mangalore 3 as part-time non-official Director of Bank of Maharashtra for a period of three years commencing on 26th November, 2001.

[F. No. 9/17/2000-B.O.I(ii)]

RAMESH CHAND, Under Secy.

नई दिल्ली, 26 नवम्बर, 2001

का.आ. 3367.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) (ज) एवं 3(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री बी.के. शेखर, एडवोकेट, ऋषिमंगल-लाय, ऋषिमंगलम, तिरुवनन्तपुरम 695035 को 26 नवम्बर, 2001 से तीन वर्ष की अवधि के लिए केनरा बैंक में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा.सं. 9/17/2000-बी.ओ.-I(iii)]

रमेश चन्द, अवर सचिव

New Delhi, the 26th November, 2001

S.O. 3367.—In exercise of the powers conferred by sub-section (3)(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri B. K. Shekhar, Advocate, Hrishimangalathu Rishimangalam, Thiruvananthapuram 695 035 as part-time non-official Director of Canara Bank for a period of three years commencing on 26th November, 2001.

[F. No. 9/17/2000-B.O.I. (iii)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 26 नवम्बर, 2001

का.आ. 3368:—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) (ज) एवं 3(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा प्रो. घनश्याम दत्त शर्मा, पूर्व प्रोफेसर एवं अध्यक्ष, व्यवसाय प्रबंधन और डीन फेकल्टी ऑफ कामर्स, राजस्वान विश्वविद्यालय, जयपुर (निवासी ए-108, जनता कालोनी, जयपुर) को 26 नवम्बर, 2001 से तीन वर्ष की अवधि के लिए बैंक ऑफ महाराष्ट्र में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा.सं. 9/17/2000-बी.ओ. I(i)]
रमेश चन्द, अवर सचिव

New Delhi, the 26th November, 2001

S.O. 3368.—In exercise of the powers conferred by sub-section (3)(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Prof. Ghanshayam

Datt Sharma, Ex-Professor & Head, Department of Business Admn. & Dean Faculty of Commerce, University of Rajasthan, Jaipur (Resident of A-108, Janta Colony, Jaipur) as part-time non-official Director of Bank of Maharashtra for a period of three years commencing on 26th November, 2001.

[F. No. 9/17/2000-B.O.I. (i)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 27 नवम्बर, 2001

का.आ. 3369:—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) (ज) एवं 3(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री बेन्दालाम प्रकाश, कृषक, रम-य्यापुट्टुगा (गांव), कवित्यामंडल, श्रीकाकुलम (जिला), 532322 आन्ध्र प्रदेश को 27 नवम्बर, 2001 से तीन वर्ष की अवधि के लिए आन्ध्रा बैंक में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा.सं. 9/17/2000-बी.ओ. I]
रमेश चन्द, अवर सचिव

New Delhi, the 27th November, 2001

S.O. 3369.—In exercise of the powers conferred by sub-section (3)(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates Shri Bendalam Prakash, Cultivator, Ramayyaputtuga (Vill.) Kavitymandal, Srikakulam (Dt.), 532 322 A.P. as part-time non-official Director of Andhra Bank for a period of three years commencing on 27th November, 2001.

[F. No. 9/17/2000-B.O.I.]
RAMESH CHAND, Under Secy.

उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 27 नवम्बर, 2001

का.आ. 3370:—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में एतद्द्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं और वापस ले लिए गए हैं:

अनुसूची			
क्रम सं. रह किये गये मानक की संख्या और वर्ष	भारत के राजपत्र भाग 2, खंड 3, उपखंड (II) में का. प्रा. संख्या और तिथि प्रकाशित		टिप्पणी
1	2	3	4
1. आईएस 102 : 1982	का. प्रा. 3593 दिनांक 1962-12-01	उपयोग में नहीं	
2. आईएस 162 : 1980	का. प्रा. 658 दिनांक 1955-03-26	उपयोग में नहीं	
3. आईएस 163 : 1978	का. प्रा. 2211 दिनांक 1981-08-22	उपयोग में नहीं	
4. आईएस 267 : 1976	का. प्रा. 1595 दिनांक 1979-05-19	तकनीकी समिति का निर्णय	
5. आईएस 268 : 1976	का. प्रा. 1595 दिनांक 1979-05-19	तकनीकी समिति का निर्णय	
6. आईएस 282 : 1982	का. प्रा. 3994 दिनांक 1985-08-24	इस उत्पाद का अब इस देश में उपयोग नहीं है	
7. आईएस 290 : 1961	का. प्रा. 1267 दिनांक 1962-04-28	उपयोग में नहीं	
8. आईएस 342 : 1976	का. प्रा. 3823 दिनांक 1979-11-24	उपयोग में नहीं	
9. आईएस 349 : 1981	का. प्रा. 748 दिनांक 1985-02-23	उपयोग में नहीं	
10. आईएस 424 : 1965	का. प्रा. 1308 दिनांक 1966-04-30	उपयोग में नहीं	
11. आईएस 1176 : 1977	का. प्रा. 3170 दिनांक 1980-11-15	विषय अप्रचलित हो गया	
12. आईएस 1404 : 1989	का. प्रा. 2346 दिनांक 1980-09-08	उपयोग में नहीं	
13. आईएस 2420 : 1985	का. प्रा. 2241 दिनांक 1974-08-31	आईएस 14890 : 2001 द्वारा अतिक्रमित	
14. आईएस 2421 : 1981	का. प्रा. 2241 दिनांक 1974-08-31	आईएस 14890 : 2001 द्वारा अतिक्रमित	
15. आईएस 2445 : 1984	का. प्रा. 296 दिनांक 1987-01-31	आईएस 2322 : 1998 द्वारा अतिक्रमित	
16. आईएस 3849 : 1976	का. प्रा. 2505 दिनांक 1979-07-21	आईएस 14891 : 2001 द्वारा अतिक्रमित	
17. आईएस 4781 : 1978	का. प्रा. 1728 दिनांक 1981-06-13	आईएस 14892 : 2001 द्वारा अतिक्रमित	
18. आईएस 4796 : 1977	का. प्रा. 2118 दिनांक 1980-08-09	आईएस 14892 : 2001 द्वारा अतिक्रमित	
19. आईएस 4949 : 1968	का. प्रा. 2397 दिनांक 1972-09-02	आईएस 3854 : 1997 में अपेक्षाएं शामिल की गईं	
20. आईएस 5786 (भाग 2) : 1982	का. प्रा. 3328 दिनांक 1986-09-27	विषय अप्रचलित हो गया	
21. आईएस 5786 (भाग 8) : 1982	का. प्रा. 3795 दिनांक 1986-11-08	विषय अप्रचलित हो गया	
22. आईएस 5818 : 1988	का. प्रा. 2135 दिनांक 1990-08-11	उपयोग में नहीं	
23. आईएस 6032 : 1971	का. प्रा. 3305 दिनांक 1972-10-21	आईएस 14891 : 2001 द्वारा अतिक्रमित	
24. आईएस 6033 : 1971	का. प्रा. 3318 दिनांक 1972-10-21	आईएस 14891 : 2001 द्वारा अतिक्रमित	
25. आईएस 6161 : 1971	का. प्रा. 3163 दिनांक 1973-11-10	यह मानक उपयोग में नहीं	
26. आईएस 6677 : 1972	का. प्रा. 1290 दिनांक 1975-04-26	आईएस 14890 : 2001 द्वारा अतिक्रमित	
27. आईएस 6842 : 1997	का. प्रा. 1995 दिनांक 1980-07-26	आईएस 6873 के विभिन्न भागों में अपेक्षाएं शामिल की गईं	
28. आईएस 6873 (भाग 6) : 1993	का. प्रा. 3668 दिनांक 1986-10-25	आईएस 10052 (भाग 2) : 1999 में अपेक्षाएं शामिल की गईं	
29. आईएस 6946 : 1973	का. प्रा. 2557 दिनांक 1975-08-09	आईएस 9537 (भाग 6) : 2000 द्वारा अतिक्रमित	
30. आईएस 7489 : 1974	का. प्रा. 2858 दिनांक 1976-08-07	विषय अप्रचलित हो गया	
31. आईएस 7717 : 1974	का. प्रा. 3351 दिनांक 1978-11-25	विषय अप्रचलित हो गया	
32. आईएस 7875 (भाग 1) : 1984	का. प्रा. 0294 दिनांक 1987-01-31	तकनीकी समिति का निर्णय	
33. आईएस 7875 (भाग 2) : 1987	का. प्रा. 1433 दिनांक 1990-05-19	तकनीकी समिति का निर्णय	
34. आईएस 7875 (भाग 3) : 1987	का. प्रा. 1430 दिनांक 1990-05-19	तकनीकी समिति का निर्णय	
35. आईएस 7875 (भाग 4) : 1983	का. प्रा. 3796 दिनांक 1986-11-08	तकनीकी समिति का निर्णय	
36. आईएस 7875 (भाग 5) : 1985	का. प्रा. 1553 दिनांक 1990-06-02	तकनीकी समिति का निर्णय	
37. आईएस 8465 : 1990	का. प्रा. 783 दिनांक 1980-03-29	आईएस 14667 : 1999 द्वारा अतिक्रमित	
38. आईएस 8466 : 1990	का. प्रा. 1606 दिनांक 1980-03-14	आईएस 14667 : 1999 द्वारा अतिक्रमित	
39. आईएस 8652 : 1977	का. प्रा. 2118 दिनांक 1980-08-09	आईएस 14890 : 2001 द्वारा अतिक्रमित	
40. आईएस 8653 : 1977	का. प्रा. 2118 दिनांक 1980-08-09	आईएस 14890 : 2001 द्वारा अतिक्रमित	

1	2	3	4
41. आईएस 8899 : 1978	का.आ. 2271 दिनांक 1981-08-29	आईएस 14924 : 2001 द्वारा अतिक्रमित	
42. आईएस 9054 : 1983	का.आ. 0295 दिनांक 1987-01-31	आईएस 14667 : 2001 द्वारा अतिक्रमित	
43. आईएस 9069 : 1979	का.आ. 1342 दिनांक 1982-04-03	आईएस 14667 : 1999 द्वारा अतिक्रमित	
44. आईएस 9312 : 1979	का.आ. 0219 दिनांक 1984-01-21	आईएस 14891 : 2001 द्वारा अतिक्रमित	
45. आईएस 9709 : 1980	का.आ. 4242 दिनांक 1984-12-08	आईएस 14924 : 2001 द्वारा अतिक्रमित	
46. आईएस 9750 : 1981	का.आ. 4412 दिनांक 1984-12-15	आईएस 14890 : 2001 द्वारा अतिक्रमित	
47. आईएस 9849 : 1981	का.आ. 1747 दिनांक 1996-06-15	आईएस 9873 (भाग 1) : 2000/ आईएसओ 8124-1 : 2000 में अपेक्षित शामिल की गई	
48. आईएस 10052 (भाग 3) : 1983	का.आ. 3669 दिनांक 1986-10-25	आईएस 10052 (भाग 2) : 1999 द्वारा अतिक्रमित	
49. आईएस 10052 (भाग 4) : 1984	का.आ. 0296 दिनांक 1987-01-31	आईएस 10052 (भाग 2) : 1999 द्वारा अतिक्रमित	
50. आईएस 10052 (भाग 5) : 1986	का.आ. 1427 दिनांक 1990-05-19	आईएस 10052 (भाग 2) : 1999 द्वारा अतिक्रमित	
51. आईएस 10052 (भाग 6) : 1992	का.आ. 2331 दिनांक 1992-09-05	आईएस 10052 (भाग 2) : 1999 द्वारा अतिक्रमित	
52. आईएस 10052 (भाग 7) : 1993	का.आ. 1614 दिनांक 1994-07-16	आईएस 10052 (भाग 2) : 1999 द्वारा अतिक्रमित	
53. आईएस 10184 : 1982	का.आ. 3477 दिनांक 1985-07-27	आईएस 14924 : 2001 द्वारा अतिक्रमित	
54. आईएस 10474 : 1983	का.आ. 2891 दिनांक 1986-08-16	तकनीकी समिति का निर्णय	
55. आईएस 10761 : 1983	का.आ. 0701 दिनांक 1987-02-14	आईएस 14890 : 2001 द्वारा अतिक्रमित	
56. आईएस 11187 : 1985	का.आ. 0701 दिनांक 1987-03-14	तकनीकी समिति का निर्णय	
57. आईएस 11412 : 1986	का.आ. 1538 दिनांक 1990-06-02	विषय अप्रचलित हो गया	
58. आईएस 12708 : 1988	का.आ. 2347 दिनांक 1990-09-08	आईएस 12552 : 1990 द्वारा अतिक्रमित	

[संके.प्र.वि./13:7]

सतीश चन्द्र, अपर महानिदेशक

MINISTRY OF CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(Bureau of Indian Standards)

New Delhi, the 27th November, 2001

S. O. 3370.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, it is, hereby notified that the Indian Standards, particulars of which are mentioned in the Schedule given hereafter, have been cancelled and stand withdrawn.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Cancelled	S. O. No. & Date published in the Gazette of India, Part-II, Section-3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1	IS 102:1982	S. O. 3593 dated 1962-12-01	It is not in use
2	IS 162:1980	S. O. 658 dated 1955-03-26	It is not in use
3	IS 163:1978	S. O. 2211 dated 1981-08-22	It is not in use
4	IS 267:1976	S. O. 1595 dated 1979-05-19	Decision of Technical Committee
5	IS 268:1976	S. O. 1595 dated 1979-05-19	Decision of Technical Committee

(1)	(2)	(3)	(4)
6	IS 282:1982	S. O. 3994 dated 1985-08-24	Product is no more in use in the Country
7.	IS 290:1961	S. O. 1267 dated 1962-04-28	It is not in use
8.	IS 342:1976	S. O. 3823 dated 1979-11-24	It is not in use
9.	IS 349:1981	S. O. 748 dated 1985-02-23	It is not in use
10.	IS 424:1965	S. O. 1308 dated 1966-04-30	It is not in use
11.	IS 1176:1977	S. O. 3170 dated 1980-11-15	Subject has become obsolete
	IS 1404:1989	S. O. 2346 dated 1990-09-08	It is not in use
13.	IS 2421:1981	S. O. 2241 dated 1974-08-31	Superseded by IS 14890:2001
14.	IS 2420:1985	S. O. 2241 dated 1974-08-31	Superseded by IS 14890:2001
15.	IS 2445:1984	S. O. 296 dated 1987-01-31	Superseded by IS 2322:1998
16.	IS 3849:1976	S. O. 2505 dated 1979-07-21	Superseded by IS 14891:2001
17	IS 4781:1978	S. O. 1728 dated 1981-06-13	Superseded by IS 14892:2001
18.	IS 4796:1977	S. O. 2118 dated 1980-08-09	Superseded by IS 14852:2001
19.	IS 4949:1968	S. O. 2397 dated 1972-09-02	Requirements covered in IS 3854:1997
20.	IS 5786 (Part 2):1982	S. O. 3328 dated 1986-09-27	Subject has become obsolete
21.	IS 5786 (Part 8):1982	S. O. 3795 dated 86-11-08	Subject has become obsolete
22.	IS 5818:1988	S. O. 2135 dated 1990-08-11	It is not in use
23.	IS 6032:1971	S. O. 3305 dated 1972-10-21	Superseded by IS 14891:2001
24.	IS 6033:1971	S. O. 3318 dated 1972-10-21	Superseded by IS 14891:2001
25.	IS 6161:1971	S. O. 3163 dated 1973-11-10	These standards are not in use
26.	IS 6677:1972	S. O. 1290 dated 1975-04-26	Superseded by IS 14890:2001
27.	IS 6842:1997	S. O. 1995 dated 1980-07-26	Requirements covered in various parts of IS 6873
28.	IS 6873 (Part 6):1993	S. O. 3668 dated 1986-10-25	Requirements covered in IS 10052 (Part 2) : 1999
29.	IS 6946:1973	S. O. 2557 dated 1974-08-09	Superseded by IS 9537 (Part 6):2000
30.	IS 7489:1974	S. O. 2858 dated 1976-08-07	Subject has become obsolete
31.	IS 7717:1974	S. O. 3351 dated 1978-11-25	Subject has become obsolete
32.	IS 7875 (Part 1) : 1984	S. O. 0294 dated 1987-01-31	Decision of Technical Committee
33.	IS 7875 (Part 2) : 1987	S. O. 1433 dated 1990-05-19	Decision of Technical Committee
34.	IS 7875 (Part 3) : 1987	S. O. 1430 dated 1990-05-19	Decision of Technical Committee
35.	IS 7875 (Part 4) : 1983	S. O. 3796 dated 1986-11-08	Decision of Technical Committee
36.	IS 7875 (Part 5) : 1985	S. O. 1553 dated 1990-06-02	Decision of Technical Committee
37.	IS 8465:1990	S. O. 783 dated 1980-03-29	Superseded by 14667:1999
38.	IS 8466:1990	S. O. 1606 dated 1980-03-14	Superseded by 14667:1999
39.	IS 8652:1977	S. O. 2118 dated 1980-08-09	Superseded by IS 14890:2001
40.	IS 8653:1977	S. O. 2118 dated 1980-08-09	Superseded by IS 14890:2001
41.	IS 8899:1978	S. O. 2271 dated 1981-08-29	Superseded by 14924:2001
42.	IS 9054:1983	S. O. 0295 dated 87-01-31	Superseded by IS 14667:1999
43.	IS 9069:1979	S. O. 1342 dated 82-04-03	Superseded by 14667:1999
44.	IS 9312:1979	S. O. 0219 dated 1984-01-21	Superseded by IS 14891:2001
45.	IS 9709:1980	S. O. 4242 dated 1984-12-08	Superseded by 14924:2001
46.	IS 9750:1981	S. O. 4412 dated 1984-12-15	Superseded by IS 14890:2001
47.	IS 9849:1981	S. O. 1747 dated 1996-06-15	Requirements covered in the IS 9873 (Part 1) : 2001/ISO 8124-1:2000

1	2	3	4
48.	IS 10052 (Part 3) : 1983	S. O. 3669 dated 1986-10-25	Superseded by IS 10052 (Part 2): 1999
49.	IS 10052 (Part 4) : 1984	S. O. 0296 dated 1987-01-31	Superseded by IS 10052 (Part 2): 1999
50.	IS 10052 (Part 5) : 1986	S. O. 1427 dated 1990-05-19	Superseded by IS 10052 (Part 2): 1999
51.	IS 10052 (Part 6) : 1992	S. O. 2331 dated 1992-09-05	Superseded by IS 10052 (Part 2): 1999
52.	IS 10052 (Part 7) : 1993	S. O. 1614 dated 1994-07-16	Superseded by IS 10052 (Part 2): 1999
53.	IS 10184:1982	S. O. 3477 dated 85-07-27	Superseded by 14924:2001
54.	IS 10474:1983	S. O. 2891 date- 1986-08-16	Decision of Technical Committee
55.	IS 10761:1983	S. O. 0701 dated 1987 03-14	Superseded by IS 14890:2001
56.	IS 11187:1985	S. O. 0701 dated 1987-03-14	Decision of Technical Committee
57.	IS 11412:1986	S. O. 1538 dated 1990-06-02	Subject has become obsolete
58.	IS 12708:1988	S. O. 2347 dated 1990-09-08	Superseded by IS 12552:1990

[No. CMD/13 : 7]

SATISH CHANDER, Addl. Director General

नई दिल्ली, 28 नवम्बर, 2001

का. आ. 3371:—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:—

अनुसूची

क्र. संख्या	स्थापित भारतीय मानक (कां) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 228 (भाग 12) : 2001— इस्पात के रासायनिक विश्लेषण की पद्धतियां भाग 12 प्लेन कार्यन निम्न मिश्रधातु एवं उच्च मिश्रधातु इस्पात में पर आयोडेट सेक्टोकोटोमेट्रिक प्रणाली द्वारा मैंगनीज का निर्धारण (0.01 से 5.0 प्रतिशत मैंगनीज के लिए) (चौथा पुनरीक्षण)	आईएस 228 : 1959	2001-06-30
2.	आईएस 260 : 2001— ऐथेनोनिम सॉफ्ट, अलीड—विशिष्ट (दूसरा पुनरीक्षण)	आईएस 260 : 1969	2001-06-30
3.	आईएस 1410 : 2001— बस्तादि—नस्त्रियन जटा की रस्तियां—विशिष्ट (तीसरा पुनरीक्षण)	आईएस 1410 : 1983	2001-07-31
4.	आईएस 1760 (भाग 6) : 2001— चूना पत्थर, डोमोमाइट एवं सम्बद्ध सामग्री का रासायनिक विश्लेषण भाग 6 मुक्त सिलिका का निर्धारण	आईएस 1760 : 1962	2001-05-31

(1)	(2)	(3)	(4)
5. आईएस 1917 (भाग 7) : 2001— उच्चसिलिका बालू एवं क्वार्ट्जाइट का रासायनिक विश्लेषण भाग 7 स्पेक्ट्रोफोटोमेट्रिक प्रणाली द्वारा टाइटेनिया का निर्धारण (पहला पुनरीक्षण)	आईएस 1917 : 1962		2001-06-30
6. आईएस 1964 : 2001— कपड़े के प्रति वर्ग मीटर द्रव्यमान तथा प्रति मीटर लंबाई के द्रव्यमान के निर्धारण की विधियाँ (दूसरा पुनरीक्षण)	आईएस 1964 : 1970		2001-06-30
7. आईएस 2334 : 2001— सामान्य प्रयोजन हेतु आई एस ओ मीट्रिक पेंच चूड़ियाँ गेज और गैजिंग (दूसरा पुनरीक्षण)	आईएस 2334 : 1975		2001-06-30
8. आईएस 5182 (भाग 21) : 2001— वायु प्रदूषण मापन पद्धति भाग 21 गैस वर्ण लेखिकी द्वारा वायु में गैर मेथेन हाइड्रोकार्बन ज्ञात करना			2001-06-30
9. आईएस 9176 : 2001— विद्युत् एवं इलेक्ट्रॉनिक्स मापन उपकरण की कार्य-कारिता की अभिव्यक्ति (पहला पुनरीक्षण)	आईएस 9176 : 1979		2001-06-30
10. आईएस 9296 : 2001— बांध तथा सम्बद्ध संरचनाओं का निरीक्षण तथा रख-रखाव—मार्गदर्शी सिद्धान्त (पहला पुनरीक्षण)	आईएस 9296 : 1979		2001-06-30
11. आईएस 9397 : 2001— अल्पाइन स्काइंग एवं बाइडिंग—बाइडिंग पर्वतारोहण क्षेत्र-अर्हताएं एवं परीक्षण पद्धतियाँ (पहला पुनरीक्षण)	आईएस 9397 : 1980		2001-06-30
12. आईएस 9567 : 2001— टिन और टिन-लेड लेपित कॉपर तार—विशिष्ट (पहला पुनरीक्षण)	आईएस 9567 : 1980		2001-06-30
13. आईएस 10238 : 2001— बंधन सामग्री-चूड़ीदार बंधन सामग्री-हस्तात संरचनाओं हेतु स्टेप काबले—विशिष्ट (पहला पुनरीक्षण)	आईएस 10238 : 1982		2001-06-30
14. आईएस 10364 : 2001— घड़ी केमिस के लिए स्नेप टाइप वाले पिछले टक्कन व बेजल—आयात (पहला पुनरीक्षण)	आईएस 10364 : 1982		2001-06-30

(1)	(2)	(3)	(4)
15. आईएस 11852 (भाग 7) : 2001— स्वचल वाहन-ब्रेक और ब्रेकिंग प्रणाली भाग 7 ब्रेक डायनमोमीटर पर ब्रेक अस्तर की परीक्षण पद्धति (पहला पुनरीक्षण)	आईएस 11852 (भाग 7) : 1995		2001-05-31
16. आईएस 14665 (भाग 4/अनु. 1 से 9) 2001 विद्युत् संकथन लिफ्ट भाग 4 घटक अनु. 1 लिफ्ट बफर्स अनु. 2 लिफ्ट गाईड रेलस एवं गाईड शूज अनु. 3 लिफ्ट कार फ्रेम, कार प्रतिलोक एवं निर्भजन अनु. 4 लिफ्ट सुरक्षा गियर्स एवं प्रतिनियंत्रक अनु. 5 लिफ्ट रिटायरिंग कैम अनु. 6 लिफ्ट डोर तथा लॉकिंग युक्तियां एवं संस्पर्श अनु. 7 लिफ्ट मशीन एवं ब्रेक अनु. 8 लिफ्ट हेतु तार रस्से अनु. 9 लिफ्ट हेतु नियंत्रक एवं प्रचालक युक्तियां	आईएस 7759 : 1975, 9803 : 1981, 9878 : 1981, 10191 : 1982, 10448 : 1983, 10913 : 1984, 11615 : 1986, 11633 : 1986 और 11706 : 1986		2001-06-30
17. आईएस 14885 : 2001— गैसीय इंधन की पूर्ति के लिए पालिइथाईलीन पाइपों की विशिष्टि	—		2001-07-31
18. आईएस 14919 : 2001— अन्तर्वेशीय जलयान—रेफ्ट टाइप जीवन बचाने के उप- करण—सामान्य अपेक्षाएं	—		2001-06-30
19. आईएस 14922 : 2001— कार्बोनिक् योगिक के अवशेष शास करने की बहु- दृशीय विधि (मोनोक्रोटोफास, एनीलोफास, फोसेलोन, टेमफोस, इसाजोफास, ट्राइजोफास और क्लोरोपाइरी- फास	—		2001-06-30
20. आईएस 14923 : 2001— पालीमराइड 1, 2, डाईहाइड्रो 2, 2, 4-ट्राइमिथाइल क्यूनोलीन (टीएमक्यू)—विशिष्टि	—		2001-07-31
21. आईएस 14927 (भाग 2) : 2001— विद्युत् संस्थापन के लिए केबल तनाव और वाहिनी पद्धति भाग 2 केबल तनाव एवं वाहिनी पद्धति—दीवारों पर या सीलिंग पर लगाने के लिए वांछित	—		2001-05-31
22. आईएस 14931 : 2001 आतिशबाजी चक्र-विशिष्टि	—		2001-05-31
23. आईएस 14932 : 2001 सल्फोमिक ग्रम्स—विशिष्टि	—		2001-5-31
24. आईएस 14933 : 2001— अग्नि शमन कार्यों के लिए उच्च दाब वाले होज— विशिष्टि	—		2001-06-30

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25.	आईएस 14935 : 2001— आक्सीफ्लूरफेन, ई सी—विशिष्ट	—	2001-06-30
26.	आईएस 14937 : 2001— ट्राइजोफास, ई सी—विशिष्ट	—	2001-06-30
27.	आईएस 14938 : 2001— डायक्लोफेन मिथाइल, तकनीकी—विशिष्ट	—	2001-05-31
28.	आईएस 14939 : 2001— डायक्लोफेन मिथाइल ई सी—विशिष्ट	—	2001-06-30
29.	आईएस 14941 : 2001— कार्बोमरफेन, ई सी—विशिष्ट	—	2001-06-30
30.	आईएस 14944 : 2001— शल्य चिकित्सा मरहम पट्टियां—परीक्षण पद्धतियां	—	2001-05-31
31.	आईएस 14948 : 2001— रंग-रोगन कोलतार एपोक्सी, बी पैक, काला तथा भूरा (बेस तथा कठोरक)—विशिष्ट	—	2001-06-30
32.	आईएस 14949 : 2001— त्वरित प्रशीतित सुखे झींगे (थ्रिम्प)—विशिष्ट	—	2001-05-31
33.	आईएस 14950 : 2001— मछली—सुखाई हुई और सुखी और नमक लगी— विशिष्ट	आईएस 2345 : 1985, 2883 : 1985, 2884 : 1979, 3850 : 1973, 3851 : 1966, 3852 : 1985, 3853 : 1985, 4302 : 1985, 5198 : 1985, 5199 : 1985, 5471 : 1969, 572 : 1985, 5736 : 1985 और आईएस 8836 : 1986	2001-07-31
34.	आईएस 14951 : 2001— 135 लिटर की क्षमता वाले यांत्रिक भाग वाले अग्नि शामक—विशिष्ट	—	2001-05-31
35.	आईएस 14957 : 2001— बालू बिजली पर कार्य में प्रयुक्त विद्युत्तरोधी बूम सहित एरियल युक्तियां	—	2001-06-30
36.	आईएस 14958 (भाग 1) : 2001— वित्तीय लेन देन कार्ड—एकीकृत परिपथ कार्ड प्रयोग करते हुए वित्तीय लेन देन पद्धतियों की सुरक्षा संरचना भाग 1 कार्ड का जीवनचक्र	—	2001-06-30
37.	आईएस 14958 (भाग 2) : 2001— वित्तीय लेन देन कार्ड—एकीकृत परिपथ कार्ड प्रयोग करते हुए वित्तीय लेन देन पद्धतियों की सुरक्षा संरचना भाग 2 लेन देन प्रक्रिया	—	2001-06-30

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38.	आईएस 14958 (भाग 3) : 2001— वित्तीय लेन देन कार्ड—एकीकृत परिपथ कार्ड प्रयोग करते हुए वित्तीय लेन देन पद्धतियों की सुरक्षा संरचना भाग 3 गूढ़/लेखा कुंजी संबंध	—	2001-06-30
39.	आईएस 14958 (भाग 4) : 2001— वित्तीय लेन देन कार्ड—एकीकृत परिपथ कार्ड प्रयोग करते हुए वित्तीय लेन देन पद्धतियों की सुरक्षा संरचना भाग 4 सुरक्षा एप्लीकेशन मॉड्यूल	—	2001-06-30
40.	आईएस 14961 : 2001— पहाड़ी क्षेत्रों में छत पर जल संग्रहण विधि द्वारा वर्षा के जल को एकत्रित करना—सागंदशी सिद्धांत	—	2001-07-31
41.	आईएस 14963 : 2001— प्रकाशिकी और प्रकाशिक यंत्र—लेसर और लेसर से संबद्ध उपस्कर—लेसर पूंज शक्ति, ऊर्जा और कलिका अभिलक्षणों की परीक्षण विधियाँ	—	2001-06-30
42.	आईएस 14964 : 2001— कच्चा प्रकाशिक कांच—हीरे के पेलेट के साथ सुपेष्ण-णीयता—परीक्षण विधि और वर्गीकरण	—	2001-06-31
43.	आईएस 14965 : 2001— लेसर और लेसर से संबद्ध उपस्कर—लेसर पूंज पैरा-मीटरों की परीक्षण विधियाँ—ध्रुवण	—	2001-06-30
44.	आईएस 14966 : 2001— प्रकाशिकी और प्रकाशिक उपकरण—पर्यावरणीय परीक्षण पद्धतियाँ—संयुक्त प्रस्कन्द या अपरिवर्तित अवस्था और शुष्क ऊष्मा या अतप्त	—	2001-06-30
45.	आईएस 14967 : 2001— प्रकाशिकी और प्रकाशिक उपकरण—पर्यावरणीय परीक्षण पद्धतियाँ—संयुक्त निम्न ताप और परिवेश ताप या शुष्क ऊष्मा	—	2001-06-30
47.	आईएस 14974 : 2001— बियर और अवनालिकाओं द्वारा खुले चैनल में तरल प्रवाह मापन—आयाताकार चौड़े शीर्ष बियर	—	2001-06-30
48.	आईएस 14980 (भाग 1) : 2001— कृषि कार्य हेतु पहिये वाला ट्रैक्टर अथवा आरोपित उपस्कर भाग 1 पावर टेक ग्राफ और तीन पिन वाला लिफ्ट	—	2001-07-31
49.	आईएस 14980 (भाग 2) : 2001— कृषि कार्य हेतु पहिये वाला ट्रैक्टर अथवा आरोपित उपस्कर भाग 2 स्थिर सउपस्कर के लिए जोड़	—	2001-07-31

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50.	आईएस 14988 (भाग 1) : 2001— खाद्य और आहार सामग्री की सूक्ष्म जैविकी—सीस्टी- रिया मोनोसाइटोजीन्स की पहचान और गणन के लिए समस्तर पद्धति भाग 1 पहचान पद्धति	—	2001-07-31

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो मानक भवन 9 बहादुर शाह जफर मार्ग नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. के. प्र. बि./13 : 2]

सतीश चन्द्र, अपर महानिदेशक

New Delhi, the 28th November, 2001

S.O. 3371.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
1	2	3	4
1.	IS 228 (Pt 12) : 2001—Methods of Chemical Analysis of Steels Part 12 : Determination of Manganese by Periodate Spectrophotometric Method in Plain Carbon, Low Alloy and High Alloy Steels (For Manganese 0.01 to 5.0 Percent) (Fourth Revision)	IS 228 : 1959	2001-06-30
2.	IS 260 : 2001—Aluminium Sulphate, Non-Ferric—Specification (Second Revision)	IS 260 : 1969	2001-06-30
3.	IS 1410 : 2001—Textiles—Coir Ropes—Specification (Third Revision)	IS 1410 : 1983	2001-07-31
4.	IS 1760 (Pt 6) : 2001—Chemical Analysis of Limestone, Dolomite and Allied Materials Part 6 : Determination of Free Silica	IS 1760 : 1962	2001-05-31
5.	IS 1917 (Pt 7) : 2001—Chemical Analysis of Quartzite and High Silica Sand Part 7 : Determination of Titania by Spectrophotometric Method (First Revision)	IS 1917 : 1962	2001-06-30
6.	IS 1964 : 2001—Textiles—Methods for Determination of mass Per Unit Length and Mass Per Unit Area of Fabrics (Second Revision)	IS 1964 : 1970	2001-06-30
7.	IS 2334 : 2001—ISO General Purpose Metric Screw Threads—Gauges and Gauging (Second Revision)	IS 2334 : 1975	2001-06-30
8.	IS 5182 (Pt 21) : 2001—Methods for Measurement of Air Pollution Part 21 : Non-Methane Hydrocarbons in Air by Gas Chromatography	—	2001-06-30
9.	IS 9176 : 2001—Expression of the Performance of Electrical and Electronic Measuring Equipment (First Revision)	IS 9176 : 1979	2001-06-30

1	2	3	4
10.	IS 9296 : 2001—Inspection and Maintenance of Dams and Appurtenant Structures—Guidelines (First Revision)	IS 9296 : 1979	2001-06-30
11.	IS 9397 : 2001—Alpine Skis and Bindings—Binding Mounting Area—Requirements and Test Methods (First Revision)	IS 9397 : 1980	2001-06-30
12.	IS 9567 : 2001—Tin or Tin-Lead Coated Copper Wire—Specification (First Revision)	IS 9567 : 1980	2001-06-30
13.	IS 10238 : 2001—Fasteners—Threaded Steel Fasteners—Step Bolts for Steel Structures—Specification (First Revision)	IS 10238 : 1982	2001-06-30
14.	IS 10364 : 2001—Snap Type Back Covers and Bezel for Watch Cases—Dimensions	IS 10364 : 1982	2001-06-30
15.	IS 11852 (Pt 7) : 2001—Automotive Vehicles—Brakes and Braking Systems Part 7 : Inertia Dynamometer Test Method for Brake Lining (First Revision)	IS 11852 (Pt 7) : 1995	2001-05-31
16.	IS 14665 (Pt 4/Sec 1 to 9) : 2001—Electric Traction Lifts Part 4 : Component's Section 1 Lift Buffers Section 2 Lift Guide Rails and Guide Shoes Section 3 Lift Carframe, Car Counter-weight and Suspension Section 4 Lift Safety Gears and Governors Section 5 Lift Retiring Cam Section 6 Lift Doors and Locking Devices and Contacts Section 7 Lift Machines and Breakes Section 8 Lift Wire Ropes Section 9 Controller and Operating Devices for Lifts	IS 7759 : 1975, 9803 : 1981, 9878 : 1981 10191 : 1982, 10448 : 1983 10913 : 1984, 11615 : 1986 11633 : 1986 & IS 11706 : 1986	2001-06-30
17.	IS 14885 : 2001—Polyethylene Pipes for the Supply of Gaseous Fules—Specification	—	2001-07-31
18.	IS 14919 : 2001—Inland Vessels—Raft—Type Life—Saving Apparatus—General Requirements	—	2001-06-30
19.	IS 14922 : 2001—Multiresidue Methods for the Determination of Organophosphorus Compounds (Monocrothophos, Anilofos, Phosalone, Temephos, Isazophos, Triazophos and Chlorpyrifos)	—	2001-06-30
20.	IS 14923 : 2001—Polymerized 1, 2, Dihydro 2, 2, 4-Trimethyl Quinoline (TMQ)—Specification	—	2001-07-31
21.	IS 14927 (Pt 2) : 2001—Cable Trunking and Ducting Systems for Electrical Installations Part 2 : Cable Trunking and Ducting Systems Intended for Mounting on Walls or Ceilings	—	2001-05-31
22.	IS 14931 : 2001—Fireworks Wheel —Specification	—	2001-05-31
23.	IS 14932 : 2001—Sulfamic Acid—Specification	—	2001-05-31
24.	IS 14933 : 2001—High Pressure Fire Fighting Hose—Specification	—	2001-06-30
25.	IS 14935 : 2001—Oxyfluorfen EC—Specification	—	2001-06-30
26.	IS 14937 : 2001—Triazophos Emulsifiable Concentrate—Specification	—	2001-06-30
27.	IS 14938 : 2001 Diclofop Methyl, Technical—Specification	—	2001-05-31
28.	IS 14939 : 2001—Diclofop Methyl EC—Specification	—	2001-06-30
29.	IS 14941 : 2001—Carbosulfan EC—Specification	—	2001-06-30
30.	IS 14944 : 2001—Surgical Dressings —Methods of Test	—	2001-05-31
31.	IS 14948 : 2001—Paint Coal Tar Epoxy, Two Pack, Black and Brown (Base and Hardner)—Specification	—	2001-06-30
32.	IS 14949 : 2001—Accelerated Freeze Dried Prawns (Shrimps)—Specification	—	2001-05-31

(1)	(2)	(3)	(4)
33.	IS 14950 : 2001—Fish—Dried and Dry— Salted —Specification	—	2001-07-31
34.	IS 14951 : 2001—Fire Extinguisher—135 Litres Capacity Mechanical Foam Type—Specification	—	2001-05-31
35.	IS 14957 : 2001— Aerial Devices with Insulating Boom used Live working	—	2001-06-30
36.	IS 14958 (Pt 1) : 2001—Financial Transaction Cards—Security Architecture of Financial Transaction Systems using Integrated Circuit Cards Part 1 : Card Life Cycle	—	2001-06-30
37.	IS 14958 (Pt 2) : 2001—Financial Transaction Cards—Security Architecture of Financial Transaction Systems Using Integrated Circuit Cards Part 2 : Transaction Process	—	2001-06-30
38.	IS 14958 (Pt 3) : 2001—Financial Transaction Cards—Security Architecture of Financial Transaction Systems Using Integrated Circuit Cards Part 3 : Cryptographic Key Relationships	—	2001-06-30
39.	IS 14958 (Pt 4) : 2001—Financial Transaction Cards—Security Architecture of Financial Transaction Systems Using Integrated Circuit Cards Part 4 : Security Application Modules	—	2001-06-30
40.	IS 14961 : 2001—Guidelines for Rain Water Harvesting in Hilly Areas by Roof Water Collection System	—	2001-07-31
41.	IS 14963 : 2001—Optics and Optical Instruments—Laser and Laser—Related Equipment—Test Methods for Laser Beam Power, Energy and Temporal Characteristics	—	2001-06-30
42.	IS 14964 : 2001—Raw Optical Glass—Grindability with Diamond Pellets—Test Method and Classification	—	2001-06-30
43.	IS 14965 : 2001—Laserr and Laser—Related Equipment—Test methods —for Laser Beam Parameters—Polarization	—	2001-06-30
44.	IS 14966 : 2001—Optics and Optical Instruments—Environ- mental Test Methods—Combined Bounce or Steady—State Acceleration and Dry Heat or Cold	—	2001-06-30
45.	IS 14967 : 2001—Optics and Optical Instruments—Environ- mental Test Methods—Combined Low Pressure and Ambient Temperature or Dry Heat	—	2001-06-30
46.	IS 14973 : 2001—Measurement of Fluid Flow in Closed Conduits—Velocity Area Method Using Pilot Static Tubes	—	2001-06-30
47.	IS 14974 : 2001—Liquid Flow Measurement in Open Channels by Weirs and Flumes—Rectangular Broad-Crested Weirs	—	2001-06-30
48.	IS 14980 (Pt 1) : 2001—Agricultural Wheeled Tractors— Front—Mounted Equipment Part 1 : Power Take-off and Three-point Linkage	—	2001-07-31
49.	IS 14980 (Pt 2) : 2001—Agricultural Wheeled Tractors— Front—Mounted Equipment Part 2 : Stationary Equipment Connections	—	2001-07-31

50. IS 14988 (Pt 1) : 2001—Microbiology of Food and Feeding
 Stuff—Horizontal Method for Detection and Enumeration of
Listeria monocytogenes
 Part 1 : Detection Method 2001-07-31

Copy of these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CMD/13 : 2]
 SATISH CHANDER, Addl. Director General

नई दिल्ली, 28 नवम्बर, 2001

का.आ. 3372.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया है/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष संख्या	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आईएस 279 : 1981	संशोधन सं. 2, जून 2001	2001-06-30
2. आईएस 456 : 2000	संशोधन सं. 1, जून 2001	2001-06-30
3. आईएस 1117 : 1975	संशोधन सं. 1, अप्रैल 2001	2001-04-30
4. आईएस 1989 : 1987	संशोधन सं. 6, अप्रैल 2001	2001-04-30
5. आईएस 1977 : 1996	संशोधन सं. 1, जून 2001	2001-06-30
6. आईएस 2002 : 1992	संशोधन सं. 3, जून 2001	2001-06-30
7. आईएस 2062 : 1999	संशोधन सं. 1, जून 2001	2001-06-30
8. आईएस 2171 : 1999	संशोधन सं. 1, अप्रैल 2001	2001-04-30
9. आईएस 2553 (भाग 1) 1990	संशोधन सं. 2, जून 2001	2001-06-30
10. आईएस 2840 : 1993	संशोधन सं. 1, जून 2001	2001-06-30
11. आईएस 3097 : 1980	संशोधन सं. 3, जून 2001	2001-06-30
12. आईएस 3735 : 1996	संशोधन सं. 2, अगस्त 2001	2001-08-31
13. आईएस 3736 : 1995	संशोधन सं. 2, अगस्त 2001	2001-08-31
14. आईएस 3976 : 1995	संशोधन सं. 3, अगस्त 2001	2001-08-31
15. आईएस 3989 : 1984	संशोधन सं. 3, जून 2001	2001-06-30
16. आईएस 4401 : 1995	संशोधन सं. 1, अप्रैल 2001	2001-04-30
17. आईएस 4826 : 1979	संशोधन सं. 3, जून 2001	2001-06-30
18. आईएस 5986 : 1992	संशोधन सं. 5, जून 2001	2001-06-30
19. आईएस 6240 : 1999	संशोधन सं. 1, जून 2001	2001-06-30
20. आईएस 6331 : 1987	संशोधन सं. 1, जून 2001	2001-06-30
21. आईएस 7098 (भाग 3) 1993	संशोधन सं. 1, जुलाई 2001	2001-07-31
22. आईएस 7220 : 1974	संशोधन सं. 2, जून 2001	2001-06-30
23. आईएस 7538 : 1996	संशोधन सं. 1, जून 2001	2001-06-30
24. आईएस 9573 : 1998	संशोधन सं. 2, जुलाई 2001	2001-07-31

(1)	(2)	(3)	(4)
25. आईएस 9830 : 1988		संशोधन सं. 1, जुलाई 2001	2001-07-31
26. आईएस 9875 : 1990		संशोधन सं. 4, जून 2001	2001-06-30
27. आईएस 10908 : 1991		संशोधन सं. 2, जुलाई 2001	2001-07-31
28. आईएस 12594 : 1988		संशोधन सं. 1, अप्रैल 2001	2001-04-30
29. आईएस 12896 : 1990		संशोधन सं. 1, अप्रैल 2001	2001-04-30
30. आईएस 13428 : 1998		संशोधन सं. 3, मई 2001	2001-05-31
31. आईएस 14318 : 1996		संशोधन सं. 2, अप्रैल 2001	2001-04-30
32. आईएस 14543 : 1998		संशोधन सं. 3, मई 2001	2001-05-31

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों नई दिल्ली, कोयंबटूर, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलूर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. के. प्र. वि./ 13 : 5]
सतीश चन्द्र, अपर महानिदेशक

New Delhi, the 28th November, 2001

S.O.3372.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notified that amendments to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued.

Sl. No.	No. and Year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 279:1981	Amendment No. 2 June 2001	2001-06-30
2.	IS 456:2000	Amendment No. 1 June 2001	2001-06-30
3.	IS 1117:1975	Amendment No. 1 April 2001	2001-04-30
4.	IS 1879:1987	Amendment No. 6 April 2001	2001-04-30
5.	IS 1977:1996	Amendment No. 1 June 2001	2001-06-30
6.	IS 2002:1992	Amendment No. 3 June 2001	2001-06-30
7.	IS 2062:1999	Amendment No. 1 June 2001	2001-06-30
8.	IS 2171:1999	Amendment No. 1 April 2001	2001-04-30
9.	IS 2553 (Pt 1):1990	Amendment No. 2 June 2001	2001-06-30
10.	IS 2840:1993	Amendment No. 1 June 2001	2001-06-30
11.	IS 3097:1980	Amendment No. 3 June 2001	2001-06-30

(1)	(2)	(3)	(4)
12.	IS 3735:1996	Amendment No. 2 August 2001	2001-08-31
13.	IS 3736:1995	Amendment No. 2 August 2000	2001-08-31
14.	IS 3976:1995	Amendment No. 3 August 2001	2001-08-31
15.	IS 3989:1984	Amendment No. 3 June 2001	2001-06-30
16.	IS 4401:1995	Amendment No. 1 April 2001	2001-04-30
17.	IS 4826:1979	Amendment No. 3 June 2001	2001-06-30
18.	IS 5986:1992	Amendment No. 5 June 2001	2001-06-30
19.	IS 6240:1999	Amendment No. 1 June 2001	2001-06-30
20.	IS 6331:1987	Amendment No. 1 June 2001	2001-06-30
21.	IS 7098 (Pt 3):1993	Amendment No. 1 July 2001	2001-07-31
22.	IS 7220:1974	Amendment No. 2 June 2001	2001-06-30
23.	IS 7538:1996	Amendment No. 1 June 2001	2001-06-3
24.	IS 9573:1998	Amendment No. 2 July 2001	2001-07-31
25.	IS 9830:1988	Amendment No. 1 July 2001	2001-07-31
26.	IS 9875:1990	Amendment No. 4 June 2001	2001-06-30
27.	IS 10908:1991	Amendment No. 2 July 2001	2001-07-31
28.	IS 12594:1988	Amendment No. 1 April 2001	2001-04-30
29.	IS 12896:1990	Amendment No. 1 April 2001	2001-04-30
30.	IS 13428:1998	Amendment No. 3 May 2001	2001-05-30
31.	IS 14318:1996	Amendment No. 2 April 2001	2001-04-30
32.	IS 14543:1998	Amendment No. 3 May 2001	2001-05-31

Copy of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[N. CMD/13:5]

SATISH CHANDER, Addl. Director General

नई दिल्ली, 4 दिसम्बर, 2001

का.मा.3373.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय के अधीन भारतीय मानक ब्यूरो, नई दिल्ली के निम्नलिखित शाखा कार्यालय, जिसके 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है :—

भारतीय मानक ब्यूरो,
नालागढ़ शाखा कार्यालय,
महावीर भवन, पहली मंजिल,
रोपड़ रोड, नालागढ़, हिमाचल प्रदेश-174101

[संख्या ई-11012/4/2000-हिन्दी]
आई. एम. सोन्धी, उप सचिव

New Delhi, the 4th December, 2001

S.O.3373.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Branch offices of Bureau of Indian Standards, New Delhi under the Ministry of Consumer Affairs, Food and Public Distribution where more than 80 percent of the staff have acquired working knowledge of Hindi:

Bureau of Indian Standards,
Nalagarh Branch Office,
Mahavir Bhavan, 1st Floor,
Ropar Road, Nalagarh,
Himachal Pradesh 174101

[No. E-11012/4/2000/Hindi]
I. M. SONDHI, Dy. Secy.

कोयला एवं खान मंत्रालय

(कोयला विभाग)

मुख्य पत्र

नई दिल्ली, 26 नवम्बर, 2001

का.आ. 3374.—भारत के राजपत्र, तारीख 8 दिसम्बर, 2001 के भाग II, खंड 3, उपखंड (ii) में पृष्ठ क्रमांक 4704 से 4707 पर प्रकाशित, भारत सरकार, कोयला मंत्रालय की अधिसूचना का.आ.2288 तारीख 31 अगस्त, 2001 में :—

पृष्ठ क्रमांक 4705, टिप्पण 3 में,

पंक्ति 3, "पृष्ठ 397 से 1400" के स्थान पर "पृष्ठ 1397 से 1400" पढ़ें।

पृष्ठ क्रमांक 4707, सीमा वर्णन में रेखा ख 1-ग,

पंक्ति 1, "प्लेट संख्या" के स्थान पर "प्लेट संख्या" पढ़ें।
रेखा ग-घ,

पंक्ति 1, "प्लेट संख्या 136" के स्थान पर "प्लेट संख्या 137" पढ़ें।

[का.सं. 43015/12/2000-वीआरआईडब्ल्यू]
संजय बहादुर, उप सचिव

MINISTRY OF COAL & MINES
(Department of Coal)
CORRIGENDA

New Delhi, the 26th November, 2001

S.O. 3374.—In the notification of the Government of India in the Ministry of Coal No. S.O. 2288, dated the 31st August, 2001 published in the Gazette of India, Part-II, Section-3, Sub-section (ii), dated the 8th September, 2001, at pages 4708 to 4710 ;

- (a) at page 4708, in line 25, for "Shaddol", read "Shahdol";
- (b) at page 4709, in line 12, for "Hecras" read "Hectares";
- (c) at page 4710, in line 3, for "108" read "1088".

[File No. 43015/12/2000-PRIW]
SANJAY BAHADUR, Dy. Secy.

नई दिल्ली, 15 नवम्बर, 2001

का.आ.3375.—केन्द्रीय सरकार ने कोयला खान (राष्ट्रीयकरण) अधिनियम, 1973 (1973 का 26) की धारा 17 की उप-धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री ए. के. सेन, कोयला नियंत्रक को 6-11-2001 से 30-6-2005 तक अर्थात् उनकी अधिवर्षिता की तारीख तक या अगला आदेश होने तक, इनमें से जो भी पहले हो, उक्त अधिनियम के अधीन भुगतान आयुक्त को सौंपे गए कार्यों के निष्पादन के प्रयोजनार्थ भुगतान आयुक्त के पद के अतिरिक्त कार्यभार के निर्वहन हेतु नियुक्त किया जाता है।

[फाइल सं. 18/16/99-ए. एस. ओ.]
प्रकाश चन्द, उप सचिव

New Delhi, the 15th November, 2001

S.O.3375.—In exercise of the powers conferred by sub-section (i) of Section 17 of the Coal Mines (Notification) Act, 1973 (26 of 1973) the Central Government has appointed Shri A.K. Sen, Coal Controller to look after the additional charge of the post of Commissioner of Payments for the purpose of performing the functions assigned to the Commissioner of Payments under the said Act, with effect from 6-11-2001 to 30-6-2005 i.e. till the date of his superannuation, or until further orders, whichever is earlier.

[File No. 18/16/99-ASO]
PARKASH CHAND, Dy. Secy.

नई दिल्ली, 4 दिसम्बर, 2001

का.आ. 3376.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि इससे उपाबद्ध अनुसूची में वर्णित भूमि में कोयला अभि-प्राप्त किए जाने की संभावना है ।

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4(1) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस क्षेत्र में कोयले की पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्यांक डी जी/08374 तारीख 20-8-2001 का निरीक्षण मुख्य महाप्रबंधक (खोज प्रभाग) सेंट्रल माइन प्लानिंग डिजाइन इंस्टीट्यूट गोंदवाना प्लेस, कांके रोड, रांची के कार्यालय में या कोयला नियंत्रक 1, काउंसिल हाउस स्ट्रीट, कोलकाता के कार्यालय में या उपायुक्त, जिला हजारीबाग, झारखंड के कार्यालय में किया जा सकता है ।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर मुख्य महाप्रबंधक (खोज प्रभाग) सेंट्रल माइन प्लानिंग डिजाइन इंस्टीट्यूट गोंदवाना प्लेस कांके, रोड, रांची को भेजेंगे ।

अनुसूची

दुनी—जागेसवर ब्लॉक, वैस्ट बोकारो कोलकील्ड, जिला हजारी बाग, झारखंड

(सर्वेक्षण के लिए अधिसूचित भूमि दर्शित करते हुए)

क्रम संख्यांक	ग्राम	थाना	थाना संख्या	जिला	क्षेत्र (एकड़)	क्षेत्र (हेक्टेयर)	टिप्पणियां
1.	दुनी	मांडु	119	हजारीबाग	332	133	भाग
2.	गरकियोर	मांडु	158	हजारीबाग	160	64	भाग
3.	सिरका	मांडु	171	हजारीबाग	735	294	भाग
4.	बड़गांव	मांडु	170	हजारीबाग	210	84	भाग
5.	बड़गांव	मांडु	163	हजारीबाग	362	145	भाग
6.	लोहयो	मांडु	162	हजारीबाग	200	80	भाग
7.	जागेसर	मांडु	36	हजारीबाग	160	64	भाग
कुल					2159	867	
					(लगभग)	(लगभग)	

सीमा वर्णन

- क-ख रेखा "क" बिन्दु से आरंभ होती है, ग्राम गरकियोर से होते हुए गुजरती है और "ख" बिन्दु पर मिलती है ।
- ख-ग-घ-ङ रेखा ग्राम गरकियोर और दुनी से होते हुए गुजरती है और "ङ" बिन्दु पर मिलती है ।
- ङ-च रेखा, ग्राम दुनी और बोकारो नाले की मध्य रेखा से होते हुए जाती है और "च" बिन्दु पर मिलती है ।
- च-छ-ज-क रेखा ग्राम दुनी और गरकियोर की दक्षिणी सीमा और छोटा नाला के मध्य रेखा के साथ साथ गुजरती है और "क" बिन्दु पर मिलती है ।
- क-झ रेखा "क" बिन्दु से आरंभ होती है और सिरका ग्राम से होते हुए गुजरती है और "झ" बिन्दु पर मिलती है ।
- झ-ट-ठ-ड रेखा सिरका, भुडियाडीह बड़गांव से होकर गुजरती है और बड़गांव ग्राम और जागेसर ग्राम की सम्मिलित सीमा के बिन्दु "ठ" पर मिलती है ।
- ठ-ड-ढ रेखा, ग्राम जागेसर और लोहयो से होकर गुजरती है और छोटा नाला के मध्य बिन्दु पर अवस्थित "ढ" बिन्दु पर मिलती है ।
- ढ-ण-त-क रेखा, ग्राम लोहयो और गरकियोर और छोटा नाला की मध्य पंक्ति की दक्षिणी सीमा के साथ गुजरती है और बिन्दु "क" पर मिलती है ।

[फा.सं. 43015/16/2001—पी.आर.आई.डब्ल्यू]

संजय महादुर, उप सचिव

New Delhi, the 4th December, 2001

S.O. 3376 —Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4(1) the Coal Bearing Areas (Acquisitions and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal herein :

The Plan bearing number DG/08374 dated 20-8-2001 of the area covered by this notification can be inspected at the Office of Chief General Manager (Exploration Division), Central Mine Planning Design Institute, Gondwana Place, Kanke Road, Ranchi or at the Office of the Coal Controller, 1, Council House Street, Kolkata or at the Office of the Deputy Commissioner, Distt. Hazaribagh, Jharkhand.

All persons interested in the and covered by this notification shall deliver all maps, charts and other documents referred in sub-section (7) of Section 13 of the said Act to the Chief General Manager (Exploration Division) Central Mines Planning Design Institute, Gondwana Place, Kanke Road, Ranchi within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Duni-Jageshwar Block, West Bokaro Coalfield, Distt. Hazaribagh, Jharkhand
(Showing land notified for prospecting)

Sl. No.	Village	Thana	Thana No.	District	Area (Acres)	Area (Hect)	Remarks
1.	Duni	Mandu	119	Hazaribagh	332	133	Part
2.	Garkiaor	Mandu	158	Hazaribagh	160	64	Part
3.	Sirka	Mandu	171	Hazaribagh	735	294	Part
4.	Badgaon	Mandu	170	Hazaribagh	210	84	Part
5.	Badgaon	Mandu	163	Hazaribagh	362	145	Part
6.	Loiyo	Mandu	162	Hazaribagh	200	80	Part
7.	Jagesar	Mandu	36	Hazaribagh	160	64	Part
Total					2159 (Approx)	867 (Approx)	

Boundary Description :

A—B	Line starts from 'A', passes through village Garkiaor and meets at point 'B'.
B—C—D—E	Line passes through Garkiaor and Duni Village and meets at point 'E'.
E—F	Line passes through Duni village and Central Line of Bokaro nala and meets at point 'E'.
F—G—H—A	Line passes along the southern boundary of Duni and Garkiaor village and Central Line of Chota nala and meets at point 'A'.
A—I	Line starts from 'A' and passes through Sirka village and meets at point 'I'.
I—J—K—L	Line passes through Sirka, Bhuyadih Badgaon and meets at common boundary point 'L' of Badgaon village and Jagesar village.
L—M—N	Line passes through Jagesar and Loiyo village and meets at point 'N' located at the Central point of Chota nala.
N—O—P—A	Line passes along the southern boundary of Loiyo and Garkiaor village and Central line of Chota nala and meets at point 'A'.

[F. No. 43015/16/2001—PRIW]
SANJAY BAHADUR, Dy. Secy.

नई दिल्ली, स 6बर, 2001 व

का. प्रा. 3377.- -के शीर सरकार को यह प्रतीत होता है कि इससे उात्रद्ध अनुसूची में उल्लिखित भूमि से कोयला अभि-म प्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एसईसीएल/बीएसपी/जीएम/पीएलजी/भूमि/252 तारीख 10 जुलाई, 2001 का निरीक्षण कलेक्टर शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता 700 001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निविष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भार साधक अधिकारी/विभागाध्यक्ष (राजस्व), साउथ ईस्टर्न कोलफील्ड्स लि., सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को परिदत्त करेंगे।

अनुसूची
सिंहपुर खंड
सोहागपुर क्षेत्र
जिला-शहडोल (मध्य प्रदेश)

रेखांक संख्या एसईसीएल/बीएसपी/जीएम/पीएलजी/भूमि/252
दिनांक 10 जुलाई, 2001 (पूर्वक्षण के लिए अधिसूचित भूमि दर्शाते हुए)

क्र. संख्या	ग्राम का नाम	पटवारी हल्का नं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पण
1.	सिंहपुर	21	सोहागपुर	शहडोल	1377.903	संपूर्ण
2.	पडमनिया खुर्द	21	सोहागपुर	शहडोल	328.238	संपूर्ण
3.	ऐंतासर	21	सोहागपुर	शहडोल	565.391	संपूर्ण
4.	जोधपुर	22	सोहागपुर	शहडोल	791.793	संपूर्ण
5.	चदनिया	22	सोहागपुर	शहडोल	150.340	भाग
6.	उरहा	23	सोहागपुर	शहडोल	95.000	भाग
7.	दुधी	23	सोहागपुर	शहडोल	579.977	संपूर्ण
8.	पडरिया	24	सोहागपुर	शहडोल	395.013	संपूर्ण
9.	पडमनिया कला	24	सोहागपुर	शहडोल	295.422	भाग
10.	नरगी	24	सोहागपुर	शहडोल	389.589	संपूर्ण
योग		4968.666 हेक्टर (लगभग) या 12277.57 एकड़ (लगभग)				

सीमा वर्णन

- क-ख रेखा ग्राम चदनिया की सीमा पर बिन्दु "क" से आरंभ होती है और ग्राम चदनिया, जोधपुर, दुधी, उरहा की पश्चिमी सीमा के साथ-साथ गुजरती हुई बिन्दु "ख" पर मिलती है।
- ख-ग रेखा ग्राम उरहा, पडमनिया कला से होकर, ग्राम नरगी की उत्तरी सीमा के साथ-साथ गुजरती हुई बिन्दु "ग" पर मिलती है।
- ग-घ रेखा ग्राम नरगी, पडरिया की पूर्वी सीमा के साथ गुजरती हुई बिन्दु "घ" पर मिलती है।
- घ-क रेखा ग्राम पडरिया, सिंहपुर की दक्षिणी सीमा के साथ-साथ जोधपुर, चदनिया की पूर्वी सीमा के साथ, बाद में ग्राम चदनिया से होकर आरंभिक बिन्दु "क" पर मिलती है।

[फा.सं. 43015/14/2001-पी.आर.आई.डब्ल्यू.]
संजय बहादुर, उप सचिव

New Delhi, the 6th December, 2001

S.O. 3377.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing Number SECL/BSP/GM(PLG)/LAND/252 dated 10th July, 2001 of the area covered by this notification can be inspected in the Office of the Collector, Shahdol (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Kolkata-700 001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495 006 (Chhattisgarh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495 006 (Chhattisgarh) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Singhpur Block

Sohagpur Area

District : Shahdol (Madhya Pradesh)

Plan No. SECL/BSP/GM (Land)/252

Dated 10th July, 2001 (showing the land Notified for prospecting)

Sl. No.	Name of Village	Patwari Halka number	Tahsil	District	Area in hectares	Remarks
1.	Singhpur	21	Sohagpur	Shahdol	1377.903	Full
2.	Parmaniya Khurd	21	Sohagpur	Shahdol	328.238	Full
3.	Aintajhar	21	Sohagpur	Shahdol	565.391	Full
4.	Jodhpur	22	Sohagpur	Shahdol	791.793	Full
5.	Chadaniya	22	Sohagpur	Shahdol	150.340	Part
6.	Uraha	23	Sohagpur	Shahdol	95.000	Part
7.	Dudhi	23	Sohagpur	Shahdol	579.977	Full
8.	Padariya	24	Sohagpur	Shahdol	395.013	Full
9.	Parmaniya Kala	24	Sohagpur	Shahdol	295.422	Part
10.	Narghi	24	Sohagpur	Shahdol	389.589	Full

Total 4968.666 Hectares (approximately) or 12277.57 Acres (approximately)

Boundary Description :

- A—B Line starts from point 'A' on the boundary of Chadaniya village and passes along the Western boundary of villages Chadaniya, Jodhpur, Dudhi, Uraha and meets at point 'B'.
- B—C Line passes through villages Uraha, Parmaniya Kala, then along the Northern boundary of Narghi village and meets at point 'C'.
- C—D Line passes along the Eastern boundary of villages Narghi, Padariya and meets at point 'D'.
- D—A Line passes along the Southern boundary of villages Padariya, Singhpur, along the Eastern boundary of villages Jodhpur, Chadaniya then through village Chadaniya and meets at the starting point 'A'.

[No. 43015/14/2001/PRIW]
SANJAY BAHADUR, Dy. Secy.

सई विल्ली, 6 दिसम्बर, 2001

का. आ. 3378.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.आ. 2476 तारीख 18 अगस्त, 1999 जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2) तारीख 4 सितम्बर, 1999 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में यथा वर्णित परिक्षेत्र की भूमि में, जिनका माप 4.175 हेक्टर (लगभग) या 10.316 एकड़ (लगभग) है, खनिजों के खनन, खदान बोर करने, उनकी खुदाई करने और खनिजों को तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन करने के आशय की सूचना दी थी।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार की अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश सरकार से परामर्श करने के पश्चात्, यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 4.175 हेक्टर (लगभग) या 10.316 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किये जाने चाहिये।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 4.175 हेक्टर (लगभग) या 10.316 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किये जाते हैं।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक स. सी-1(ई) III एच आर/682-012001 तारीख 18 जनवरी, 2001 का निरीक्षण कलेक्टर, छिन्दवाड़ा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में, या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोयला एस्टेट, सिविल लाईन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुसूची

दमुआ पूर्व परियोजना

कन्हान क्षेत्र

जिला छिन्दवाड़ा (मध्य प्रदेश)

[रेखांक स. सी-1(ई)/III/एच आर/682/012001 तारीख 8 जनवरी, 2001]

खनन अधिकार

क्रम संख्या	ग्राम का नाम	पटवारी सकिल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियाँ
1.	नन्दोरा	7	जुन्नारदेव	छिन्दवाड़ा	4.175	भाग

1

कुल क्षेत्र 4.175 हेक्टर (लगभग)
या
10.316 एकड़ (लगभग)

नन्दोरा ग्राम में अर्जित किये गये प्लॉट संख्यांक :

4, 5/1 भाग, 5/2 भाग, 5/3 भाग, 7 भाग, 27 भाग, 52/4 भाग, 54/1 भाग, 55/1 भाग, 55/2 भाग, 56 भाग, 57 भाग, 71/1 भाग

सीमा वर्णन :

क-ख : रेखा बिन्दु "क" से आरंभ होती है और ग्राम नन्दोरा के प्लॉट सं. 5/2, 27, 55/2, 55/1 से होकर गुजरती है फिर प्लॉट संख्यांक 54/1 की बाहरी सीमा के साथ-साथ गुजरती है फिर प्लॉट सं. 52/4 से होकर गुजरती है और बिन्दु "ख" पर मिलती है।

- ख-ग: रेखा ग्राम नन्दोरा के प्लॉट संख्यांक 52/4, 54/1, 71/1 से होकर जाती है और बिन्दु "ग" पर मिलती है।
- ग-घ: रेखा ग्राम नन्दोरा के प्लॉट संख्यांक 71/1, 57, 56, 27, 5/1, 7 से होकर जाती है और बिन्दु "घ" पर मिलती है।
- घ-ङ: रेखा ग्राम नन्दोरा के प्लॉट सं. 7, 5/3, 5/2 से होकर जाती है और विद्यमान परानी खनन पट्टे की सीमा के साथ-साथ गुजरती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/7/98-पी आर आई डब्ल्यू]

संजय ब्रह्मादुर, उप सचिव

New Delhi, the 6th December, 2001

S.O.3378. Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 2476 dated the 18th August, 1999, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part-II, Section - 3, Sub-Section (ii) of the Gazette of India, dated the 4th September, 1999, the Central Government gave notice of its intention to acquire the rights to mine, quarry, bore, dig and search for win work and carry away minerals in the land measuring 4.175 hectares (approximately) or 10.316 acres (approximately) in the locality as described in the Schedule appended to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Madhya Pradesh is satisfied that the rights to mine quarry, bore, dig and search for win work and carry away minerals in the lands measuring 4.175 hectares (approximately) or 10316 acres (approximately) described in Schedule appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the rights to mine, quarry, bore, dig and search for win work and carry away minerals in the lands measuring 4.175 hectares (approximately) or 10.316 acres (approximately) described in the Schedule appended hereto are hereby acquired.

The plan bearing number C-I(E)/III/HR/682-012001 dated the 18th January, 2001 of the area covered by this notification may be inspected in the office of the Collector, Chhindwara (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Kolkata (Pin 700 001) or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra).

SCHEDULE

DAMUA EAST PROJECT

KANHAN AREA

DISTRICT—CHHINDWARA (MADHYA PRADESH)

[Plan No. C-1(E)/III/HR/682-012001 dated the 18th January, 2001]

Mining Rights

Serial Number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	REMARKS
1	Nandora	7	Junnardeo	Chhindwara	4.175	Part

Total area ; 4.175 hectares (approximately)

or

10.316 acres (approximately)

Plot numbers acquired in village Nandora:—

4, 5/1 part, 5/2 part, 5/3 part, 7 part, 27 part, 52/4 part, 54/1 part, 55/1 part, 55/2 part, 56 part, 57 part, 71/1 part.

Boundary description:

- A—B Line starts from point 'A' and passes through village Nandora in plot numbers 5/2, 27, 55/2, 55/1 then passes along the outer boundary of plot No. 54/1 then in plot No. 52/4 and meets at point 'B'.
- B—C Line passes through village Nandora in plot number 52/4, 54/1, 71/1 and meets at point 'C'.
- C—D Line passes through village Nandora in plot numbers 71/1, 57, 56, 27, 5/1, 7 and meets at point 'D'.
- D—A Line passes through village Nandora in plot numbers 7, 5/3, 5/2 and passes along the existing old mining lease boundary, and meets at starting point 'A'.

[No. 43015/7/98-PR1W]

SANJAY BAHADUR, Dy. Secy.

आदेश

नई दिल्ली, 6 दिसम्बर, 2001

का.आ. 3379—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी की गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.आ. 1285 तारीख 30 मई, 2001 के भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 9 जून, 2001 में प्रकाशित होने पर उक्त अधिसूचना में संलग्न अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलंगमों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए हैं ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि ईस्टर्न कोयलील्डस लिमिटेड, सैक्टोरिया डाकघर दिसैरगढ़ जिला, वर्धमान (प. बंगाल) (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है) ऐसे निबंधनों और शर्तों का जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए राजामंद है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा (ii) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निर्देश देती है कि इस प्रकार निहित उक्त भूमि और भूमि में या उस पर के अधिकार 9 जून, 2001 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की वजह, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कम्पनी में निहित हो जाएंगे, अर्थात् :—

1. सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, ब्याज नुकसानी और वेनो हो मशों को बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ।—
2. सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण

करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपर्युक्त सभी व्यय, उक्त सरकारी कम्पनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि को बाबत उपर्युक्त सभी व्यय भी सरकारी कम्पनी वहन करेगी ।

3. सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों के, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उसके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी ।
4. सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
5. सरकारी कम्पनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हों, उक्त भूमि के विनिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं, पालन करेगी ।

[फा.सं. 43015/5/97-एलडब्ल्यू/पोषारआईडब्ल्यू]

संजय बहादुर, उप सचिव

ORDER

New Delhi, the 6th December, 2001

S. O. 3379.—Whereas on the publication of the notification of the Government of India, in the Ministry of Coal, number S. O. 1285 dated the 30th May, 2001 in the Gazette of India, Part II Section 3, Sub-section (ii), dated the 9th June 2001 issued under Sub-section (1)

of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under Sub-section (1) of Section 10 of the said Act

And whereas the Central Government is satisfied that the Eastern Coalfields Limited, Sanctoria, Post Office Dishergarh, District Burdwan (West Bengal) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 11 of the said Act, the Central Government hereby direct that the said lands and rights in or over the said lands so vested shall with effect from 9th June 2001 instead of continuing to so vest in the Central Government shall vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) the Government Company shall re-imburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said act;
- (2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc., for or in connection with the rights, in or over the said lands, so vesting, shall also be borne by the Government Company;
- (3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials, regarding the rights in or over the said lands so vesting;
- (6) the Government Company shall have no power to transfer the said lands to any other persons without the previous approval of the Central Government; and

(7) the Government Company shall abide by such direction and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43015/5/97-LW/PRIW]

SANJAY BAHADUR, Dy. Secy.

आदेश

नई दिल्ली, 6 दिसम्बर, 2001

का.आ. 3380 .— कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी की गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 2947 तारीख 27 सितम्बर, 1999 के, भारत के राजपत्र के भाग 2, खंड 3, उपखंड (ii) तारीख 16 अक्टूबर, 1999 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में या उस पर के अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलगनों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए हैं ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि ईस्टर्न कोयलील्ड्स लिमिटेड, सैक्टोरिया, डाकघर दिसैराह, जिला — बर्दमान (प. बंगाल) (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है) ऐसे निबंधनों और शर्तों का जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए राजामंद है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि इस प्रकार निहित उक्त भूमि और भूमि में या उस पर के अधिकार 16 अक्टूबर, 1999 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कम्पनी में निहित हो जाएंगे, अर्थात् :—

1. सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिफल, ब्याज, नुकसानों और वैसी ही मदों की बाबत किए गए संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ।
2. सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबद्ध में उपगत सभी व्यय, उक्त

सरकारी कम्पनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत, सभी व्यय भी सरकारी कम्पनी वहन करेगी।

3. सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी।
4. सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
5. सरकारी कम्पनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए के लिए जाये या अधिरोपित किए जायें, पालन करेगी।

[फा.सं. 43015/15/96-एलडब्ल्यू/पीआरआईडब्ल्यू]

संजय बहादुर, उप सचिव

ORDER

New Delhi, the 6th December, 2001

S. O. 3380.—Whereas on the publication of the notification of the Government of India, in the Ministry of Coal, number S. O. 2947 dated the 27th September, 1999 in the Gazette of India, Part II, Section-3, Sub-section (ii), dated the 16th October, 1999 issued under Sub-Section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the lands and rights in or over the land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And, whereas the Central Government is satisfied that the Eastern Coalfields Limited, Sanctoria, Post Office Dishergarh, District Burdwan (West Bengal) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby direct, that the said lands and rights in or over the said lands so vested shall with effect from 16th October, 1999 instead of continuing to so vest in the Central Government shall vest in the Government Company, subject to the following terms and conditions, namely :

- (1) the Government Company shall re-imburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said act;
- (2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc., for or in connection with the rights, in or over the said lands, so vesting, shall also be borne by the Government Company;
- (3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials, regarding the rights in or over the said lands so vesting;
- (4) the Government Company shall have no power to transfer the said lands to any other persons without the previous approval of the Central Government; and
- (5) the Government Company shall abide by such direction and condition as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43015/15/96-LW/PRIW]

SANJAY BAHADUR, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 22 नवम्बर, 2001

का.आ. 3381 भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 20 की उप-धारा (1) के अनुसरण में केन्द्र सरकार एतद्वारा निम्नलिखित सदस्यों वाली स्नातकोत्तर चिकित्सा शिक्षा समिति गठित करती है, नामतः :

केन्द्र सरकार द्वारा नामित

1. डा. केतन देसाई
यूरोलॉजी के प्रोफेसर एवं विभागाध्यक्ष,
4/ए, वशिष्ठ एपार्टमेंट्स,
पॉलीटेक्निक, अम्बावदी,
अहमदाबाद-380015.
2. डा. गजेन्द्र किशोर ठाकुर,
विकिरण विज्ञान के एसोसिएट प्रोफेसर,
एस. के. मेडिकल कालेज,
मुजफ्फरपुर-842004 बिहार
3. डा. वेद प्रकाश मिश्रा,
17, पोस्टल ऑडिट कालोनी,
राणा प्रताप नगर,
नागपुर-440022
4. डा. बी. कनगराज,
3वी, क्रॉस स्ट्रीट, इंदिरा नगर,
अड्यार, चेन्नई-600020
5. डा. एनजी. विजय सिंह,
निदेशक,
क्षेत्रीय आयुर्विज्ञान संस्थान,
इम्फाल-79504 (मणिपुर)
6. डा. लिवतार सिंह चावला,
पूर्व कुलपति बाबा फरीद यूनिवर्सिटी ऑफ हेल्थ साइंसेज,
7-ए, टैगोर नगर, सिविल लाइन्स,
लुधियाना-141001.

[संख्या वी-11013/5/2001-एमई (नोति-I)]

पी. जी. कलाधरण, अवर सचिव

MINISTRY OF HEALTH and FAMILY
WELFARE

(Department of Health)

New Delhi, the 22nd November, 2001

S.O. 3181.—In pursuance of sub-section (1) of section 20 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby constitutes the Post-Graduate Medical Education Committee consisting of the following members namely:—

NOMINATED BY THE CENTRAL GOVERNMENT

1. Dr. Ketan Desai,
Prof. & HOD of Urology,
4/A, Vasishtha Apartments,
Polytechnic, Ambavadi,
Ahmedabad-380015
2. Dr. Gajendra Kishore Thakur,
Associate Professor of Radiology,
S.K. Medical College,
Muzaffarpur-842004 (Bihar)
3. Dr. Ved Prakash Mishra,
17, Postal Audit Colony,
Rana Pratap Nagar,
Nagpur-440022
4. Dr. V. Kanagaraj,
3V, Cross Street, Indira Nagar,
Adyer,
Chennai-600020
5. Dr. Ng. Bijoy Singh,
Director,
Regional Institute of Medical Sciences,
Imphal-79504 (Manipur)
6. Dr. Livtar Singh Chawla,
Ex. Vice Chancellor, Baba Farid University
of Health Sciences,
7-A, Tagore Nagar, Civil Lines,
Ludhiana-141001

[No. V-11013/5/2001-ME(Policy-I)]

P.G. KALADHARAN, Under Secy.

नई दिल्ली, 28 नवम्बर, 2001

का.आ. 3382—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद्, अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिनियम की प्रथम अनुसूची में,—

(क) “अन्नामलै विश्वविद्यालय” के सामने ‘मान्यताप्राप्त आयुर्विज्ञान अर्हता’ शीर्षक (जिसे इसमें इसके पश्चात् स्तंभ (2) कहा गया है) के अधीन ‘डॉक्टर ऑफ मेडिसिन (जीव रसायन)’ प्रविष्टि और ‘रजिस्ट्रीकरण के लिये संक्षेपाक्षर’ शीर्षक (जिसे

इसमें इसके पश्चात् स्तंभ (3) कहा गया है), के अधीन उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् —

(2)	(3)
“डाक्टर ऑफ मेडिसिन (सूक्ष्म जीव विज्ञान)	एम. डी. (सूक्ष्म जीव विज्ञान) (यह अर्हता तभी मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह राजा मुर्छया मेडिकल कालेज, अन्नामलै नगर की वास्तु सितम्बर, 2000 में या उसके पश्चात् प्रदान की गई है);
(ख) “मुम्बई विश्वविद्यालय” के सामने स्तंभ (2) में “मैजिस्ट्रार विहरगई (तंत्रिका विज्ञान), प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् —	

(2)	(3)
“डाक्टर ऑफ मेडिसिन (मनोविकार चिकित्सा)	एम. डी. (मनोविकार चिकित्सा) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी. एन. मेडिकल कालेज, मुम्बई की वास्तु 1970 में या उसके पश्चात् प्रदान की गई है);
डिप्लोमा इन साइक्लोजी मेडिसिन	डी. पी. एम. (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी. एन. मेडिकल कालेज, मुम्बई की वास्तु 1964 में या उसके पश्चात् प्रदान की गई है);
डिप्लोमा इन पब्लिक हेल्थ	डी. पी. एच. (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी. एन. मेडिकल कालेज, मुम्बई की वास्तु अप्रैल, 1962 में या उसके पश्चात् प्रदान की गई है);
डाक्टर ऑफ मेडिसिन (शरीर क्रिया विज्ञान)	एम. डी. (शरीर क्रिया विज्ञान) (यह अर्हता तभी मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी. एन. मेडिकल कालेज मुम्बई और एल. टी. एम. मेडिकल कालेज मुम्बई की वास्तु अप्रैल, 1973 में या उसके पश्चात् प्रदान की गई है);
मैजिस्ट्रार विहरगई (मूत्रमार्ग विज्ञान)	एम. सी. एच. (मूत्रमार्ग विज्ञान) (यह अर्हता तभी मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह एल. टी. एम. मेडिकल कालेज, मुम्बई की वास्तु नवम्बर, 1981 में या उसके पश्चात् प्रदान की गई है);

(ग) “एम. एस. विश्वविद्यालय, बड़ौदा” के सामने स्तंभ (2) में “डाक्टर आफ मेडिसिन (मनोविकार चिकित्सा)” प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् —

(2)	(3)
“डाक्टर ऑफ मेडिसिन (जीव रसायन)	एम. डी. (जीव रसायन) (यह अर्हता तभी मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह मेडिकल कालेज, बड़ौदा की वास्तु 1981 में या उसके पश्चात् प्रदान की गई है);
(घ) “वर्धवान विश्वविद्यालय” के सामने स्तंभ (2) में “बैचलर ऑफ मेडिसिन और बैचलर ऑफ सर्जरी” प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् —	
(2)	(3)
“डाक्टर आफ मेडिसिन (जीव रसायन)	एम. डी. (जीव रसायन) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह वर्धवान मेडिकल कालेज, वर्धवान की वास्तु जून, 1997 में या उसके पश्चात् प्रदान की गई है);

(इ) "दिल्ली विश्वविद्यालय" के सामने स्तंभ (2) में 'डिप्लोमा इन हेल्थ एडमिनिस्ट्रेशन' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् :—

(2)	(3)
"डाक्टर ऑफ मेडिसिन (समुदाय आयुर्विज्ञान/ सामाजिक और निरोधक आयुर्विज्ञान)	एम. डी. (समुदाय आयु/सामा. और निरो. आयु.) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह यूनिवर्सिटी कालेज, आफ मेडिकल साइंस, दिल्ली की बाबत मार्च, 1982 में या उसके पश्चात् प्रदान की गई है)";

(च) "गुजरात विश्वविद्यालय" के सामने स्तंभ (2) में 'मास्टर आफ सर्जरी (प्लास्टिक शल्यचिकित्सा)' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् :—

(2)	(3)
"डाक्टर ऑफ मेडिसिन (न्याय संबंधी आयुर्विज्ञान)	एम. डी. (न्याय संबंधी आयुर्विज्ञान) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह बी. जे. मेडिकल कालेज, अहमदाबाद की बाबत मार्च, 1993 में या उसके पश्चात् प्रदान की गई है)";

(छ) "हिमाचल प्रदेश विश्वविद्यालय" के सामने स्तंभ (2) में 'मास्टर ऑफ सर्जरी (विकलांग विद्या)' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् :—

(2)	(3)
"मास्टर आफ सर्जरी (नेत्र विज्ञान)	एम.एस. (नेत्र विज्ञान) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंदिरा गांधी मेडिकल कालेज, शिमला की बाबत अक्टूबर 1987 में या उसके पश्चात् प्रदान की गई है)";

(ज) "केरल विश्वविद्यालय" के सामने स्तंभ (2) में 'डाक्टर आफ मेडिसिन (हृदय रोग विज्ञान)' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् :—

(2)	(3)
"मैजिस्ट्रार चिरुर्गई (वक्ष शल्य चिकित्सा) (हृदय बाहिका और वक्ष शल्य विज्ञान)	एम.सी.एस. (वक्ष शल्य चिकित्सा)/(हृदय बाहिका और वक्ष शल्य विज्ञान) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह मेडिकल कालेज, तिरुवनंतपुरम की बाबत अप्रैल, 1981 में या उसके पश्चात् प्रदान की गई है)";

(झ) "मुम्बई विश्वविद्यालय" के सामने स्तंभ (2) में 'डाक्टर आफ मेडिसिन (प्रसूति विज्ञान और स्त्री रोग विज्ञान)' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् :—

(2)	(3)
"डाक्टर ऑफ मेडिसिन (मनोविकार चिकित्सा)	एम. डी. (मनोविकार चिकित्सा) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई की बाबत 1970 में या उसके पश्चात् प्रदान की गई है)";

(2)

(3)

डिप्लोमा इन मायोरिटी मेडिसिन

डी.पी. एम.

(यह अर्हता तभी मान्यताप्राप्त आयुविज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई की बाबत 1964 में या उसके पश्चात् प्रदान की गई है) ”

डिप्लोमा इन पब्लिक हेल्थ

डी.पी.एच.

ह अर्हता तभी मान्यताप्राप्त आयुविज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई की बाबत अप्रैल, 1962 में या उसके पश्चात् प्रदान की गई है) ”

डाक्टर ऑफ मेडिसिन (शरीर विज्ञान)

एम. डी. (शरीर विज्ञान)

(यह अर्हता तभी मान्यताप्राप्त आयुविज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई और एल टी एम मेडिकल कालेज, मुम्बई की बाबत 4 सितम्बर, 1996 को या उसके पश्चात् प्रदान की गई है) ”

मेजिस्ट्रार चिकित्सक (मूत्रमार्ग विज्ञान)

एम. सी. एच. (मूत्रमार्ग विज्ञान)

(यह अर्हता तभी मान्यताप्राप्त आयुविज्ञान अर्हता होगी जब यह एल टी एम मेडिकल कालेज, मुम्बई की बाबत 4 सितम्बर, 1996 को या उसके पश्चात् प्रदान की गई है) ”;

(अ) “संजय गांधी पोस्ट ग्रेजुएट इंस्टीट्यूट ऑफ मेडिकल साइंस, लखनऊ” के सामने स्तंभ (2) में ‘डाक्टर ऑफ मेडिसिन (न्यूक्लियर आयुविज्ञान)’ प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा अर्थात् :—

(2)

(3)

‘डाक्टर ऑफ मेडिसिन (क्लीनिकल इन्फ्यूनोमोलॉजी)

डी.एम. (क्ली. इन्फ्यू.)

(यह अर्हता तभी मान्यताप्राप्त आयुविज्ञान अर्हता होगी जब यह 1991 में या उसके पश्चात् प्रदान की गई है) ”

डाक्टर ऑफ मेडिसिन (एंडोक्रिनोलॉजी)

डी.एम. (एंडो.)

(यह अर्हता तभी मान्यताप्राप्त आयुविज्ञान अर्हता होगी जब यह जून, 1993 में या उसके पश्चात् प्रदान की गई है)

डाक्टर ऑफ मेडिसिन (विकृत विज्ञान)

एम. डी. (विकृत विज्ञान)

(यह अर्हता तभी मान्यताप्राप्त आयुविज्ञान अर्हता होगी जब यह मई, 2001 में या उसके पश्चात् प्रदान की गई है) ।

(ट) “सरदार पटेल विश्वविद्यालय” के सामने स्तंभ (2) में ‘डिप्लोमा इन अनेस्थेसियोलॉजी’ प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जायेगा, अर्थात् :—

(2)

(3)

“मास्टर ऑफ सर्जरी (ओटोरहिनोलैरीनगोलॉजी)

एम. एस. ई (ई एन टी)

डाक्टर ऑफ मेडिसिन (सामान्य आयुविज्ञान)

एम डी (सामान्य आयुविज्ञान)

(ये अर्हताएं तभी मान्यताप्राप्त आयुविज्ञान अर्हताएं होंगी जब ये प्रमुख स्वामी मेडिकल कालेज, करमसाद की बाबत मार्च, 2001 में या उनके पश्चात् प्रदान की गई है) ”।

[सं. बी. 11015/3/2001-एम ई (पालिसी-I)]

पी. जी. कलाधरण, सचिव

New Delhi, the 28th November, 2001.

S.O. 3382.—In exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the First Schedule to the said Act,—

- (a) against the “Annamalai University”, under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)], after the entry ‘Doctor of Medicine (Biochemistry)’ and the entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Microbiology)	M.D. (Micro.) (This shall be a recognised medical qualification when granted in or after September, 2000, in respect of Raja Muthiah Medical College, Annamalai Nagar)”

- (b) against the “University of Bombay”, in column (2), after the entry ‘Magistrar Chirurgiae (Neuro-Surgery)’ and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Psychiatry)	M.D. (Psy.) (This shall be a recognised medical qualification when granted in or after 1970, in respect of T.N. Medical College, Mumbai).
Diploma in Psychological Medicine	D.P.M. (This shall be a recognised medical qualification when granted in or after 1964, in respect of T.N. Medical College, Mumbai).
Diploma in Public Health	D.P.H. (This shall be a recognised medical qualification when granted in or after April, 1962, in respect of T.N. Medical College, (Mumbai)
Doctor of Medicine (Physiology)	M.D. (Phy.) (This shall be a recognised medical qualification when granted in or after April, 1973, in respect of T.N. Medical College, Mumbai and L.T.M. Medical College, Mumbai).
Magistrar Chirurgiae (Urology)	M.Ch. (Uro.) (This shall be a recognised medical qualification when granted on or after October, 1981, in respect of L.T.M. Medical College, Mumbai)”

- (c) against the “M.S. University of Baroda”, in column (2), after the entry ‘Doctor of Medicine (Psychiatry)’ and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Biochemistry)	M.D. (Biochem.) (This shall be a recognised medical qualification when granted in or after 1981 in respect of Medical College, Baroda),’

- (d) against the “Burdwan University”, in column (2), after the entry ‘Bachelor of Medicine and Bachelor of Surgery’ and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Biochemistry)	M.D. (Biochem.) (This shall be a recognised medical qualification when granted in or after June, 1997 in respect of Burdwan Medical College, Burdwan)”;

- (e) against the “University of Delhi”, in column (2), after the entry ‘Diploma in Health Administration’ and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Community Medicine/Social and Preventive Medicine)	M.D. (Com. Med./S.P.M.) This shall be a recognised medical qualification when granted in or after March, 1982, in respect of University College of Medical Sciences, Delhi)”

- (f) against the "University of Gujarat", in column (2), after the entry 'Master of Surgery (Plastic Surgery)' and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Forensic Medicine)	M.D. (F. Med.) (This shall be a recognised medical qualification when granted in or after March, 1993, in respect of B.J. Medical College, Ahmedabad)";

- (g) against the "Himachal Pradesh University", in column (2), after the entry 'Master of Surgery (Orthopaedics)' and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (Ophthalmology)	M.S. (Ophth.) (This shall be a recognised medical qualification when granted in or after October, 1987, in respect of Indira Gandhi Medical College, Shimla)";

- (h) against the "University of Kerala", in column (2), after the entry 'Doctor of Medicine (Cardiology)' and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Magistrar Chirurgiae (Thoracic Surgery)/(Cardio-Vascular & Thoracic Surgery)	M. Ch. (Thoracic Surg.)(CVTS) (This shall be a recognised medical qualification when granted in or after April, 1981, in respect of Medical College, Thiruvananthapuram)";

- (i) against the 'Mumbai University', in column (2), after the entry 'Doctor of Medicine (Obstetrics and Gynaecology)' and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Psychiatry)	M.D. (Psy.) (This shall be a recognised medical qualification when granted in or after 1970, in respect of T.N. Medical College, Mumbai)
Diploma in Psychological Medicine	D.P.M. (This shall be a recognised medical qualification when granted in or after 1964, in respect of T.N. Medical College, Mumbai)
Diploma in Public Health	D.P.H. (This shall be a recognised medical qualification when granted in or after April, 1962, in respect of T.N. Medical College, Mumbai)
Doctor of Medicine (Physiology)	M.D. (Phy.) (This shall be a recognised medical qualification when granted on or after 04th September, 1996, in respect of T.N. Medical College, Mumbai and L.T.M. Medical College, Mumbai)
Magistrar Chirurgiae (Urology)	M.Ch. (Uro.) (This shall be a recognised medical qualification when granted on or after 04th September, 1996, in respect of L.T.M. Medical College, Mumbai)";

- (j) against the "Sanjay Gandhi Post Graduate Institute of Medical Science, Lucknow", in column (2), after the entry 'Doctor of Medicine (Nuclear Medicine)' and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Clinical Immunology)	D.M. (Cl. immuno.) (This shall be a recognised medical qualification when granted in or after 1991)

(1)	(2)	(3)	(4)
Doctor of Medicine (Endocrinology)	D.M. (Endo.) (This shall be a recognised medical qualification when granted in or after June, 1993)		
Doctor of Medicine (Pathology)	M.D. (Path.) (This shall be a recognised medical qualification when granted in or after May, 2001)";		

(k) against the 'Sardar Patel University', in column (2), after the entry 'Diploma in Anaesthesiology' and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (Otorhinolaryngology)	M.S. (E.N.T.)
Doctor of Medicine (General Medicine)	M.D. (General Medicine) (These qualifications shall be recognised medical qualifications when granted on or after March, 2001, in respect of Pramukhswami Medical College, Karamsad)";

[No. V. 11015/3/2001-ME(Policy-I)]
P.G. KALADHARAN, Under Secy.

नई दिल्ली, 28 नवम्बर, 2001

का.आ. 3383:—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद्, अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात्, उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :

उक्त अधिनियम की प्रथम अनुसूची में,

(क) "अन्नमलै विश्वविद्यालय" के सामने 'मान्यताप्राप्त आयुर्विज्ञान अर्हता' शीर्षक (जिसे इसमें इसके पश्चात् स्तंभ (2) कहा गया है) के अधीन 'डाक्टर ऑफ मेडिसिन (जीव रसायन)' प्रविष्टि और 'रजिस्ट्रीकरण के लिए संक्षेपाक्षर' शीर्षक (जिसे इसमें इसके पश्चात् स्तंभ (3) कहा गया है), के अधीन उसमें संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

2	3
"डाक्टर ऑफ मेडिसिन (सूक्ष्म जीव विज्ञान)	एम.डी. (सूक्ष्म जीव विज्ञान) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह राजा मुथैया मेडिकल कालेज, अन्नमलै नगर की बाबत सितम्बर, 2000 में या उसके पश्चात् प्रदान की गई है)";

(ख) "मुम्बई विश्वविद्यालय" के सामने स्तंभ (2) में 'मैजिस्ट्रार विररुगड (तंत्रिका विज्ञान)' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :

2	3
"डाक्टर ऑफ मेडिसिन (मनोविकार चिकित्सा)	एम.डी. (मनोविकार चिकित्सा) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई की बाबत 1970 में या उसके पश्चात् प्रदान की गई है)
डिप्लोमा इन साइकलोजी मेडिसिन	डी.पी.एम. (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई की बाबत 1964 में या उसके पश्चात् प्रदान की गई है)
डिप्लोमा इन पब्लिक हेल्थ	डी.पी.एच. (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज मुम्बई की बाबत अप्रैल, 1962 में या उसके पश्चात् प्रदान की गई है)

1	2	3
डॉक्टर ऑफ मेडिसिन (शरीर क्रिया विज्ञान)	एम. डी. (शरीर क्रिया विज्ञान)	(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह एल.टी.एम. मेडिकल कालेज, मुम्बई और एल.टी.एम. मेडिकल कालेज, मुम्बई की बाबत अप्रैल, 1973 में या उसके पश्चात् प्रदान की गई है)
मैजिस्ट्रेट चिकित्सक (सूत्रमार्ग विज्ञान)	एम. सी. एच. (सूत्रमार्ग विज्ञान)	यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह एल.टी.एम. मेडिकल कालेज, मुम्बई की बाबत अक्टूबर, 1981 में या उसके पश्चात् प्रदान की गई है);
(ग) "एम. एस. विश्वविद्यालय, बड़ौदा" के सामने स्तंभ (2) में 'डॉक्टर ऑफ मेडिसिन (मनोविकार चिकित्सा)' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:		
2	3	
"डॉक्टर ऑफ मेडिसिन (जीव रसायन)	एम. डी. (जीव रसायन)	(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह मेडिकल कालेज, बड़ौदा की बाबत 1981 में या उसके पश्चात् प्रदान की गई है)";
(घ) "वर्धमान विश्वविद्यालय" के सामने स्तंभ (2) में 'बैचलर ऑफ मेडिसिन और बैचलर ऑफ सर्जरी' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:		
2	3	
"डॉक्टर ऑफ मेडिसिन (जीव रसायन)	एम. डी. (जीव रसायन)	(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह वर्धमान मेडिकल कालेज, वर्धमान की बाबत जून, 1997 में या उसके पश्चात् प्रदान की गई है)";
(ङ) "दिल्ली विश्वविद्यालय" के सामने स्तंभ (2) में 'डिप्लोमा इन हेल्थ एडमिनिस्ट्रेशन' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:		
2	3	
"डॉक्टर ऑफ मेडिसिन (समुदाय आयु- विज्ञान/मामाजिक और निरोधक आयुर्विज्ञान)	एम. डी. (समुदाय आयु- विज्ञान/मामा. और निरो. आयु.)	(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह यूनिवर्सिटी कालेज ऑफ मेडिकल साइंस, दिल्ली की बाबत मार्च, 1982 में या उसके पश्चात् प्रदान की गई है)";
(च) "गुजरात विश्वविद्यालय" के सामने स्तंभ (2) में 'मास्टर ऑफ सर्जरी (प्लास्टिक सल्यचिकित्सा)' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:		
2	3	
"डॉक्टर ऑफ मेडिसिन (न्याय संबंधी आयुर्विज्ञान)	एम. डी. (न्याय संबंधी आयुर्विज्ञान)	(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह बी.जे. मेडिकल कालेज, अहमदाबाद की बाबत मार्च, 1983 में या उसके पश्चात् प्रदान की गई है)";
(छ) "हिमाचल प्रदेश विश्वविद्यालय" के सामने स्तंभ (2) में 'मास्टर ऑफ सर्जरी (विकलांग विद्या)' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:		
2	3	
"मास्टर ऑफ सर्जरी (नेत्र विज्ञान)	एम. एस. (नेत्र विज्ञान)	(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंदिरा गांधी मेडिकल कालेज, शिमला की बाबत अक्टूबर, 1987 में या उसके पश्चात् प्रदान की गई है)";
(ज) "केरल विश्वविद्यालय" के सामने स्तंभ (2) में 'डॉक्टर ऑफ मेडिसिन (हृदय रोग विज्ञान)' प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:		
2	3	
"मैजिस्ट्रेट चिकित्सक (वक्ष शल्य चिकित्सा)/(हृदय कल्लिंग और वक्ष शल्य विज्ञान)	एम. सी. एच. (वक्ष शल्य चिकित्सा)	(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह मेडिकल कालेज, तिरुवनंतपुरम की बाबत अप्रैल, 1981 में या उसके पश्चात् प्रदान की गई है)";

(झ) "मुम्बई विश्वविद्यालय" के सामने स्तम्भ (2) में 'डाक्टर ऑफ मेडिसिन (प्रसूति विज्ञान और स्त्री रोग विज्ञान)' प्रविष्टि और स्तम्भ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:

2

3

"डाक्टर ऑफ मेडिसिन (मनोविकार - एम.डी. (मनोविकार चिकित्सा))

(चिकित्सा)

(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई की बाबत 1970 में या उसके पश्चात् प्रदान की गई है)";

"डिप्लोमा इन साइकोलोजिकल मेडिसिन - डी.पी.एम.

(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई की बाबत 1964 में या उसके पश्चात् प्रदान की गई है)

डिप्लोमा इन पब्लिक हेल्थ

डीपीएच

(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई की बाबत अप्रैल, 1962 में या उसके पश्चात् प्रदान की गई है)

डाक्टर ऑफ मेडिसिन (शरीर विज्ञान) - एम.डी. (शरीर विज्ञान)

(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह टी.एन. मेडिकल कालेज, मुम्बई और एन.टी.एम. मेडिकल कालेज, मुम्बई की बाबत 4 सितम्बर, 1996 को या उसके पश्चात् प्रदान की गई है)

मैडिस्ट्रार चिस्त्राई (मूल-मार्ग-विज्ञान) - एम.सी.एच. (मूलमार्ग-विज्ञान)

(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह एन.टी.एम. मेडिकल कालेज, मुम्बई की बाबत 4 सितम्बर, 1996 को या उसके पश्चात् प्रदान की गई है)";

(आ) "संजयजीपीपोस्टग्रेजुएटइंस्टीट्यूटऑफमेडिकलसाइंस,एम्बेनक" के सामने स्तम्भ (2) में 'डाक्टर ऑफ मेडिसिन (न्यूक्लियर आयुर्विज्ञान)' प्रविष्टि और स्तम्भ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्न लिखित अंतःस्थापित किया जाएगा, अर्थात्:

2

3

"डाक्टर ऑफ मेडिसिन (क्लीनिकल - डी.एम. (क्ली. इम्पू.)

(इम्पूनीलोजी)

(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह 4 1991 में या उसके पश्चात् प्रदान की गई है)

डाक्टर ऑफ मेडिसिन

डी.एम. (इंडो.)

(एंडोक्रिनोलोजी)

(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह जून, 1993 में या उसके पश्चात् प्रदान की गई है);

"डाक्टर ऑफ मेडिसिन (चिकित्सा विज्ञान)

एम.डी. (चिकित्सा विज्ञान)

(यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह मई, 2001 में या उसके पश्चात् प्रदान की गई है)";

(ट) "सरदार वटेल विश्वविद्यालय" के सामने स्तम्भ (2) में 'डिप्लोमा इन अनेस्थेसियोलोजी' प्रविष्टि और स्तम्भ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:

2

"मास्टर ऑफ सर्जरी (ओटोरहिनीलैरीनगोलोजी)

एम.एस (ई एन टी)

डाक्टर ऑफ मेडिसिन

एम डी (सामान्य आयुर्विज्ञान)

(सामान्य आयुर्विज्ञान)

(ये अर्हताएं तभी मान्यताप्राप्त आयुर्विज्ञान अर्हताएं होंगी जब ये प्रमुख स्वामी मेडिकल कालेज, करम साद की बाबत मार्च, 2001 में या उसके पश्चात् प्रदान की गई है)";

[सं. बी. 11015/3/2001-एमई (पालिसी-1)]

पी. जी. कलाधरण, अव्वर सचिव

New Delhi, the 28th November, 2001

S.O. 3383.—In exercise of the powers conferred by sub-section(2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :

In the First Schedule to the said Act,

(a) against the "Annamalai University", under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the entry 'Doctor of Medicine (Biochemistry)' and the entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column(3)], the following shall be inserted, namely :

2	3
"Doctor of Medicine (Microbiology)	M.D. (Micro) (This shall be a recognised medical qualification when granted in or after September, 2000, in respect of Raja Muthiah Medical College, Annamalai Nagar)";

(b) against the "University of Bombay", in column (2), after the entry "Magistrar Chirurgiae (Neuro-Surgery)" and the entry relating thereto in column (3), the following shall be inserted, namely:

2	3
"Doctor of Medicine (Psychiatry)	M.D. (Psy.) (This shall be a recognised medical qualification when granted in or after 1970, in respect of T.N. Medical College, Mumbai)
Diploma in Psychological Medicine	D.P.M. (This shall be a recognised medical qualification when granted in or after 1964, in respect of T.N. Medical College, Mumbai).
Diploma in Public Health	D.P.H. (This shall be a recognised medical qualification when granted in or after April, 1962, in respect of T.N. Medical College, Mumbai)
Doctor of Medicine (Physiology)	M.D. (Phy.) (This shall be a recognised medical qualification when granted in or after April, 1973, in respect of T.N. Medical College, Mumbai and L.T.M. Medical College, Mumbai)
Magistrar Chirurgiae(Urology)	M.Ch.(Uro.) (This shall be a recognised medical qualification when granted on or after October, 1981, in respect of L.T.M. Medical College, Mumbai.)";

(c) against the "M.S. University of Baroda", in column (2), after the entry "Doctor of Medicine (Psychiatry)" and the entry relating thereto in column (3), the following shall be inserted, namely:

2	3
"Doctor of Medicine (Biochemistry)	M.D. (Biochem.) (This shall be a recognised medical qualification when granted in or after 1981 in respect of Medical College, Baroda)";

(d) against the "Burdwan University", in column (2), after the entry 'Bachelor of Medicine and Bachelor of Surgery' and the entry relating thereto in column (3), the following shall be inserted, namely;

2	3
"Doctor of Medicine (Biochemistry)	M.D. (Biochem.) (This shall be a recognised medical qualification when granted in or after June, 1997 in respect of Burdwan Medical College Burdwan)";

(e) against the "University of Delhi", in column (2), after the entry 'Diploma in Health Administration and the entry relating thereto in column (3), the following shall be inserted, namely:

2	3
"Doctor of Medicine (Community Medicine/ Social and Preventive Medicine)	M.D. (Com. Med/S.P.M.) (This shall be a recognised medical qualification when granted in or after March, 1982, in respect of University College of Medical Sciences, Delhi)",

(f) against the "University of Gujarat", in column (2), after the entry 'Master of Surgery (Plastic Surgery)' and the entry relating thereto in column (3), the following shall be inserted, namely:

2	3
"Doctor of Medicine (Forensic Medicine)	M.D.(F.Med.) (This shall be a recognised medical qualification when granted in or after March, 1993 in respect of B.J. Medical College Ahmedabad)",

(g) against the "Himachal Pradesh University", in column (2), after the entry 'Master of Surgery (Orthopaedics)' and the entry relating thereto in column (3), the following shall be inserted, namely:

2	3
"Master of Surgery(Ophthalmology)	M.S. (Ophth.) (This shall be a recognised medical qualification when granted in or after October, 1987, in respect of Indira Gandhi Medical College, Shimla)",

(h) against the "University of Kerala", in column (2), after the entry 'Doctor of Medicine (Cardiology)' and the entry relating thereto in column (3), the following shall be inserted, namely:

2	3
"Magistrar Chirurgiae (Thoracic Surgery/ (Cardio-Vascular & Thoracic Surgery)	M.Ch. (Thoracic Sur)/(CVTS) (This shall be a recognised medical qualification when granted in or after April, 1981, in respect of Medical College Thiru- vanthapuram)",

(i) against the "Mumbai, University", in column (2), after the entry 'Doctor of Medicine (Obstetrics and Gynaecology)' and the entry relating thereto in column (3), the following shall be inserted namely:—

2	3
"Doctor of Medicine (Psychiatry)	M.D.(Psy.) (This shall be a recognised medical qualification when granted in or after 1970, in respect of T.N. Medical College, Mumbai),
Diploma in Psychological Medicine	D.P.M. (This shall be a recognised medical qualification when granted in or after 1964, in respect of T.N. Medical College, Mumbai)

Diploma in Public Health

D.P.H.

(This shall be a recognised medical qualification when granted in or after April, 1962, in respect of T.N. Medical College, Mumbai).

Doctor of Medicine (Physiology)

M.D. (Phy.)

(This shall be a recognised medical qualification when granted on or after 4th September, 1996, in respect of T.N. Medical College, Mumbai and L.T.N. Medical College, Mumbai)

Registrar Chirurgical (Urology)

M. Ch. (Uro.)

(This shall be a recognised medical qualification when granted on or after 4th September, 1996, in respect of L. T. M. Medical College, Mumbai);

(j) against the "Sanjay Gandhi Post Graduate Institute of Medical Science, Lucknow", in column (2), after the entry 'Doctor of Medicine (Nuclear Medicine)' and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Clinical Immunology)	D. M. (Cl. Immuno.) (This shall be a recognised medical qualification when granted in or after 1991)
Doctor of Medicine (Endocrinology)	D. M. (Endo.) (This shall be a recognised medical qualification when granted in or after June, 1993)
Doctor of Medicine (Pathology)	M. D. (Path.) (This shall be a recognised medical qualification when granted in or after May, 2001);

(k) against the "Sardar Patel University", in column (2), after the entry "Diploma in Anaesthesiology" and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (Otorhinolaryngology)	M. S. (E.N.T.)
Doctor of Medicine (General Medicine)	M. D. (General Medicine) (These qualifications shall be recognised medical qualifications when granted on or after March, 2001, in respect of Pramukhswami Medical College, Karamsad).

[No. V. 11015/3/2001-ME (Policy-1)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 4 दिसम्बर, 2001

का.प्र. 3384:—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा-3 की उपधारा (1) के खंड (क) के अनुसरण में और मेघालय सरकार से परामर्श करके शिलांग के डा. सी. दास को इस अधिसूचना के जारी होने की तिथि से भारतीय आयुर्विज्ञान परिषद का सदस्य नामित किया है।

अतः अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्ध के अनुसरण में केन्द्र सरकार तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की दिनांक 9 जनवरी, 1960 की अधिसूचना का.प्र. संख्या 138 में अंतर्द्वारा निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (क) के अन्तर्गत नामित” शीर्षक के अन्तर्गत क्रम संख्या 18 तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या तथा प्रविष्टियाँ रखी जाएंगी, अर्थात्:—

“18. डा. सी. दास,

अचैतनिक स्वास्थ्य सलाहकार, मेघालय सरकार
द्वारा डा. ए. के. दास, नेत्र विशेषज्ञ, थाना रोड,
पुलिस बाजार,
शिलांग-793001.”

[संख्या बी-11013/1/2001-एम ई. (नीति-I)]

पी. जी. कलधरण, अवर सचिव

New Delhi, the 4th December, 2001

S. O. 3384.—Whereas the Central Government, in pursuance of clause (a) of Sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Meghalaya, have nominated Dr. C. Das of Shillong to be a member of the Medical Council of India with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provision of Sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health number S. O. 138, dated the 9th January, 1960, namely:—

In the said notification, under the heading ‘Nominated under clause (a) of Sub-section (1) of section (3)’, for serial number 18 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

“18. Dr. C. Das,

Honorary Adviser on Health to the Govt. of Meghalaya,

C/o Dr. A. K. Das, Eye Specialist, Thana Road,

Police Bazar,

Shillong-793001”

[N. V-11013/1/2001-ME (Policy-I)]

P. G. KALADHARAN, Under Secy,

लघु उद्योग और कृषि एवं ग्रामीण उद्योग मंत्रालय

[एसएसआई (पी)-2 अनुभाग]

शुद्धि पत्र

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3385.—28 अप्रैल, 2001 को भारत के राजपत्र के भाग-II, खंड 3, उप-खंड (ii) में प्रकाशित लघु उद्योग और कृषि एवं ग्रामीण उद्योग मंत्रालय में भारत सरकार की दिनांक 8 मार्च, 2001 की अधिसूचना संख्या का.आ. 863 की चौथी तथा पांचवी पंक्ति में "अधिसूचना के अधिकरण में" शब्दों को "श्री ओ पी डींगरा, सम्पदा अधिकारी के रूप में दिल्ली औद्योगिक विकास निगम लिमिटेड (सरकार का एक उपक्रम) द्वारा नियुक्ति के लिये अधिसूचना के अनिवार्य" पढ़ा जाये।

[संख्या 15(1)/2000-एस एस आई (पी)-2]

एच. आर. जोशी, अवर सचिव

MINISTRY OF SSI & ARI

[SSI(P) II Section]

CORRIGENDUM

New Delhi, the 29th November, 2001

S.O.3385.—The words "In supersession of the notification of" in fourth and fifth line of the notification of the Government of India in the Ministry of Small Scale Industries and Agro and Rural Industries, No. S.O. 863 dated 8th March, 2001 published in the Gazette of India, Part II, Section-3, Sub-section (ii) dated 28th April, 2001, to be read as "in addition to the notification for the appointment of Shri O.P. Dhingra, as Estate Officer, Delhi State Industrial Development Corporation Limited (A Government Undertaking) by".

[No. 15(1)/2000-SSI(P)-II]

H. R. JOSHI, Under Secy.

पोत परिवहन मंत्रालय

(नौवहन पक्ष)

नई दिल्ली, 5 दिसम्बर, 2001

का.आ. 3386.—केन्द्रीय सरकार, नाविक भविष्य निधि स्कीम, 1966 के पैरा 3 के साथ पठित नाविक भविष्य निधि अधिनियम, 1966 (1966 का 4) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के पोत परिवहन मंत्रालय (नौवहन पक्ष) की अधिसूचना सं. 868, तारीख, 18 अप्रैल, 2001 में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में, "नाविक प्रतिनिधि" (केन्द्रीय सरकार इस निमित्त उस सरकार द्वारा मान्यता प्राप्त कर्मचारियों

के संगठनों से परामर्श करने के पश्चात् नियुक्त किए गए हो) शीर्षक के अधीन क्रम सं. 7 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम सं. और प्रविष्टि रखी जाएगी, अर्थात् :-

"7. श्री अब्दुलगनी घाई सेरंग, भारतीय राष्ट्रीय नाविक संघ, मुम्बई"।

[सं. एसटी-14018/5/2000-एसटी]

आर. एस. बिष्ट, अवर सचिव

पाठ टिप्पण—मूल अधिसूचना का.आ. 5757, तारीख 11 दिसम्बर, 1985 में प्रकाशित की गई थी और पश्चात्तवर्ती संशोधन का.आ. 568 तारीख 13 फरवरी, 1991, का.आ. 277, तारीख 27 जनवरी, 1996 और का.आ. 868, तारीख 18 अप्रैल, 2001 द्वारा किया गया।

MINISTRY OF SHIPPING

(Shipping Wing)

New Delhi, the 5th December, 2001

S.O.3386.—In exercise of the powers conferred by section 5 of the Seamen's Provident Fund Act, 1966 (4 of 1966), read with paragraph 3 of the Seamen's Provident Fund Scheme, 1966, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Shipping (Shipping Wing) number S.O. 868, dated the 18th April, 2001, namely:—

In the said notification, under the heading "Seamen's Representatives" (Appointed by the Central Government after consultation with Organisations of Seamen recognised by that Government in this behalf), for serial number 7 and the entry relating thereto, the following serial number and entry shall be substituted, namely:—

"7. Shri Abdulgani Y. Serang, National Union of Seafarers' of India, Mumbai".

[No. ST-14018/5/2000-MT]

R.S. BISHT, Under Secy.

Foot Note :— The principal notification was published vide S.O. 5757, dated the 11th December, 1985 and subsequently amended vide S.O. 568, dated the 13th February, 1991, S.O. No. 277, dated the 27th January, 1996 and S.O. No. 868, dated the 18th April, 2001.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 11 दिसम्बर, 2001

का. आ. 3387.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि कर्नाटक राज्य में मंगलौर-बंगलौर पाइपलाइन परियोजना के माध्यम से मंगलौर से बंगलौर तक पेट्रोलियम उत्पादों के परिवहन के लिए मै० पेट्रोनेट एम०एच०बी० लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके नीचे पाइपलाइन बिछाये जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग का अधिकार अर्जित किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने या उसमें उपयोग के अधिकार का अर्जन करने के संबंध में श्री आनन्द मूल्या, सक्षम प्राधिकारी, मंगलौर-बंगलौर पाइपलाइन परियोजना, पुराना उपायुक्त कार्यालय कम्पाउंड, मंगलौर-575001, कर्नाटक को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची**राज्य : कर्नाटक****जिला : दक्षिण कन्नड़**

तालुक का नाम	ग्राम का नाम	सर्वे संख्या	भाग हिस्सा सं. यदि कोई हो	क्षेत्रफल एकड़ : सेंट
1	2	3	4	5
मंगलूर	मुलुरु	100	2	0-24
		100	3	0-02
बेलतोगडि	धर्मस्थल	162	3	0-08

राज्य : कर्नाटक

ज़िला : धर्ममल्लूर

तालुक का नाम	ग्राम का नाम	सर्वे संख्या	भाग हिस्सा सं : यदि कोई हो	क्षेत्रफल एकड़ : गुंटा
1	2	3	4	5
मुदिमैरि	बैदावल्लि	136	1	0-07
		136	3	0-10
		124		0-01
	देववृंदा	191		0-02
		249		0-10
		257		0-04
	हिरिशिमैरि	79		0-02
		80	2	0-04

राज्य : कर्नाटक

ज़िला : हासन

तालुक का नाम	ग्राम का नाम	सर्वे संख्या	भाग हिस्सा सं : यदि कोई हो	क्षेत्रफल एकड़ : गुंटा
1	2	3	4	5
बैलूर	बालककल्लु	1		0-01
	गुम्मनहल्लि	75		0-01
	हिरिवाटे	53	4	0-01
		45		0-01
		44	3	0-04
		39		0-01
आलूर	कामाति	110	6	0-03
		83		0-09
	काञ्जरावल्लि	117		0-02
		123	3	0-03
		121		0-06
		153		0-02
		155		0-01
		156		0-03
		14		0-01
	यल्लमनहल्लि	8	2	0-10
		24	1	0-05
		24	2	0-03
		24	3	0-09

1	2	3	4	5
		43		0-07
		45	3	0-01
		46	4	0-04
		52		0-02
	कलातुर	133	1	0-01
		133	3	0-02
		136	3	0-01
		69		0-05
		65	4	0-02
		9	6	0-01
		282		0-02
	ग्राम ठाणा संख्या	283		0-12
	कोडगिहटिल	42		0-03
		13	5	0-02
	कसबा आलूर	111	5	0-06
		111	7	0-04
		76	5	0-03
		76	6	0-04
		48		0-02
		92		0-10
		89		0-01
	हजतनमने	18	1	0-02
		17	2	0-02
		33	3	0-01
		35	4	0-02
		36	2	0-02
	यडूर	166	5	0-02
		163		0-04
		119	2	0-05
		70	1	0-01
	मायगूर	117	3	0-01
		118	2	0-01
		127	4	0-02
		127	5	0-01
हासन	तिम्मनहटिल	2	3	0-02
		6	5A	0-01
	कंदलि	116		0-11
		115	2	0-02
		78	1	0-02
		78	4	0-04
		78	6	0-02
		78	8	0-02

1	2	3	4	5
	हलवागालु	270	2	0-02
		52	1	0-03
	जोडितटोरे	17	5	0-02
	संकटापुरा	63	1	0-02
	मुयनहल्लि	44		0-15

1	2.	3.	4.	5.
	मैलहल्लि	162	2	0-03
		165	1	0-03
		181	1	0-01
		179	1	0-01
		179	2	0-01
		179	3	0-03
		182	2	0-01
		178	2	0-02
		178	3	0-02
		176	2	0-03
		2	1	0-02
		90		0-05
		91	2	0-03
		175	1	0-09
	हरणहल्लि	11		0-02
	हम्पनहल्लि	53	9	0-01
		12	2	0-03

[फा. सं. 31015/3/98-ओ.आर-II(भाग-III)]

हरीश कुमार, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 11th December, 2001

S. O.3387.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mangalore to Bangalore through Mangalore-Bangalore Pipeline Project in the state of Karnataka, a pipeline should be laid by M/s Petronet MHB Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user in the land described in the said Schedule;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of right of user therein or laying of the pipeline under the land to Shri K. Ananda Moolya, Competent Authority, Mangalore-Bangalore Pipeline Project, Old Deputy Commissioner's Office Compound, Mangalore-575001, Karnataka.

SCHEDULE**STATE : KARNATAKA****DISTRICT : DAKSHINA KANNADA**

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (If any)	EXTENT Acre - Cents
1	2	3	4	5
MANGALORE	MULUR	100	2	0-24
		100	3	0-02
BELTHANGADY	DHARMASHTALA	162	3	0-08

STATE : KARNATAKA**DISTRICT : CHIKMAGALUR**

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (If any)	EXTENT Acre - Guntas
1	2	3	4	5
MUDIGERE	BYDAVALLI	136	1	0-07
		136	3	0-10
		124		0-01
	DEVAVRUNDA	191		0-02
		249		0-10
		257		0-04
	HIRESHIGERE	79		0-02
		80	2	0-04

STATE : KARNATAKA

DISTRICT : HASSAN

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (if any)	EXTENT Acre - Guntas
1	2	3	4	5
BELUR	BALADAKALLU	1		0-01
	GUMMANAHALLI	75		0-01
	HIREVATE	53	4	0-01
		45		0-01
		44	3	0-04
		39		0-01
ALUR	KAMATHI	110	6	0-03
		Village site No. 83		0-09
	KAJARAVALLI	117		0-02
		123	3	0-03
		121		0-06
		153		0-02
		155		0-01
		156		0-03
		14		0-01
	YALAGANAHALLI	8	2	0-10
		24	1	0-05
		24	2	0-03
		24	3	0-09
		43		0-07
		45	3	0-01
		46	4	0-04
		52		0-02
	KANATHUR	133	1	0-01
		133	3	0-02
		136	3	0-01
		69		0-05
		65	4	0-02
		9	6	0-01
		Village site No. 282		0-02
		Village site No. 283		0-12
	KODAGIHALLI	42		0-03
		13	5	0-02

1	2	3	4	5
	KASBA ALUR	111	5	0-06
		111	7	0-04
		76	5	0-03
		76	6	0-04
		48		0-02
		92		0-10
		89		0-01
	HANTHANAMANE	18	1	0-02
		17	2	0-02
		33	3	0-01
		35	4	0-02
		36	2	0-02
	YADUR	166	5	0-02
		163		0-04
		119	2	0-05
		70	1	0-01
	MAVANUR	117	3	0-01
		118	2	0-01
		127	4	0-02
		127	5	0-01
HASSAN	THIMMANAHALLI	2	3	0-02
		6	5A	0-01
	KANDALI	116		0-11
		115	2	0-02
		78	1	0-02
		78	4	0-04
		78	6	0-02
		78	8	0-02
	HALAVAGILU	270	2	0-02
		52	1	0-03
	JODITHATTEKERE	17	5	0-02
	SANKALAPURA	63	1	0-02
	BUVANAHALI	44		0-15

1	2	3	4	5
	MAILAHALLI	162	2	0-03
		165	1	0-03
		181	1	0-01
		179	1	0-01
		179	2	0-01
		179	3	0-03
		182	2	0-01
		178	2	0-02
		178	3	0-02
		176	2	0-03
		2	1	0-02
		90		0-05
		91	2	0-03
		175	1	0-09
	HARANAHALLI	11		0-02
	HAMPANAHALLI	53	9	0-01
		12	2	0-03

[No. R-31015/3/98 OR-II(Part-III)]
HARISH KUMAR, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2001

क्रा. आ. 3388.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि कर्नाटक राज्य में मंगलौर से बंगलौर तक पेट्रोलियम उत्पादों के परिवहन के लिए मै० पेट्रोनेट एम० एच० बी० लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और, केन्द्रीय सरकार को, उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां आम जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने या उसमें उपयोग के अधिकार के अर्जन करने के संबंध में, श्री आरिफ उल्ला शरीफ सक्षम प्राधिकारी, मंगलौर-बंगलौर पाइपलाइन परियोजना, मैसर्स पेट्रोनेट एम० एच० बी० लिमिटेड, सं० 332, प्रथम तल, दारुस सलाम बिल्डिंग, क्वीन्स रोड, बंगलौर—560052, कर्नाटक को लिखित रूप में आक्षेप कर सकेगा

अनुसूची

राज्य : कर्नाटक

जिला : तुमकूर

तालुका का नाम	ग्राम का नाम	सर्वे सं०	भाग हिस्सा सं० (यादि कोई हो)	क्षेत्रफल एकड़-गुन्टा
1	2	3	4	5
तुरुवेकेरे	इंदुमारानाहल्लि	116		0 - 03
		25	2	0 - 02
		46	2	0 - 01
		46	3	0 - 03
		46	4	0 - 01
	दम्बेघाट्टा	258		0 - 08
		33	3	0 - 01
		317		0 - 02
		36	3	0 - 02
		30		0 - 03
	गुरलामारा	59	1	0 - 01
		67	3	0 - 01
		78	1	0 - 01
	इल्लैनाहल्लि कायल	7		0 - 06
	दननायकनापुरदा कायाल	121	2	0 - 08
	दोड्डबीरनकेरे	3		0 - 03
		2		0 - 01
		134	4	0 - 06
		140	4	0 - 02
		151		0 - 02
	ब्यातरा होसहल्लि	11		0 - 03
		56		0 - 04
		55	2	0 - 01
		60	7	0 - 01
		62		0 - 13

1	2	3	4	5
	वाराहासंद्रा	148		0 - 09
		160		0 - 01
		127	2 ए 2	0 - 02
	मल्लेनाहल्लि	73	3 बि	0 - 02
		101		0 - 21
		96		1 - 04
		92		0 - 02
	तुयालाहल्लि	16		1 - 08
		17		0 - 13
	गविनाथपुरा	73		0 - 02
कुनिगल	चट्टनहल्लि	50		0 - 03
		13	2	0 - 01
	जडिङगेरे	194	2 बि	0 - 01
		193		0 - 10
	हेडिङगेरे	78	2	0 - 05
		67	1	0 - 05
		67	2	0 - 02
		61		0 - 13
	गुन्नागरा	96	2 बि	0 - 06
		93	1	0 - 02
		95		0 - 15
		93	3	0 - 02
		123		0 - 18
		169	5	0 - 01
		169	4	0 - 03
	रायगोना हल्लि	52		0 - 13
		25		0 - 03
	कुरुडि हल्लि	58		0 - 20
		43		0 - 02
		139		0 - 03
		64	5 बि	0 - 01

1	2	3	4	5
	यनागेरे	125	5	0 - 12
		155		1 - 09
		125	6	0 - 04
		125	7	0 - 14
		139		0 - 10
		146	2	0 - 03
		135		0 - 02
	के चतुरबागा	41	1	0 - 03
	बागेनाहल्लि	27	1बि	0 - 06
	केम्पा सागरा	156		0 - 02

राज्य : कर्नाटकजिल्ला - मंड्य

तालुका का नाम	ग्राम का नाम	सर्वे सं०	भाग हिस्स सं० (यादि कोई हो)	क्षेत्रफल एकड-गुन्टा
1	2	3	4	5
नागामंगला	सिद्दापुरा	27	2	0 - 01
		26	6	0 - 02

राज्य : कर्नाटकजिल्ला - बेंगलूर (रुरल)

तालुका का नाम	ग्राम का नाम	सर्वे सं०	भाग हिस्स सं० (यादि कोई हो)	क्षेत्रफल एकड-गुन्टा
1	2	3	4	5
मागडि	येन्नेगेरे	73		0 - 02
	यड्डराहल्लि	43	6	0 - 03
	बैरापुरा	13		0 - 01
	तट्टेकेरे	66	5	0 - 04
		66	6	0 - 08
		67	1	0 - 10

1	2	3	4	5
		67	4	0 - 01
		66	8	0 - 14
		67	6	0 - 05
		68	2	0 - 02
		66	7	0 - 12
		65		0 - 02
	ऊम्बतनाकुन्टे	29	5	0 - 02
	अरासिनागुन्टे	29	4	0 - 03
	मल्लिगुन्टे	43		0 - 19
	क्रिश्नापुरा	27	1	0 - 03
	बिसलाहल्लि	34		0 - 03
	बिस्कूर	38	1	0 - 01
		80		0 - 08
	संकिघट्टा कावाल	1	1	0 - 02
	हुल्लेनहल्लि	91	1	0 - 01
	मुत्तगदहल्लि	40	1	0 - 28
	संकिघट्टा	215	5	0 - 02
	हेब्बललु	99		0 - 02
	नारायनपुरा	16	3	0 - 03
		16	4	0 - 04
नेलमंगला	येलचगेरे	88	1	0 - 09
होसकोटे	नडुवाति	88		0 - 02
	तरबहल्लि	69	4	0 - 14
		70		0 - 22
		23		1 - 14

राज्य : कर्नाटक

जिला - बेंगलूर

तालुका का नाम	ग्राम का नाम	सर्वे सं०	भाग हिस्सा सं० (यादि कोई हो)	क्षेत्रफल एकड-गुन्टा
1	2	3	4	5
बेंगलूर उत्तर	हुसकूर	158		1 - 00
	मत हल्लि	114		0 - 06
		116		0 - 01
	तोरेनागसंद्र	19	2	0 - 01
	जक्कुर	91	1ए	0 - 04
		91	1बि	0 - 06
		85	1	0 - 03
	वडेरहल्लि	36		1 - 20

1	2	3	4	5
बेंगलूर दक्षिण	कन्नमंगला	197	3	0 - 06
		197	2	0 - 05
	बिदरे अग्रहारा	55	2	0 - 02
		52		0 - 01
		68	2	0 - 01
	रामपुरा	80		0 - 02
	बिलिशिवलि	9		0 - 02
	कोतनूर	26	1	0 - 03
		26	2	0 - 09
	के नारायणपुरा	4	2	0 - 03
		4	3	0 - 07
	अवलहल्लि	41	4	0 - 04

[फा. सं. 31015/29/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 14th December, 2001

S. O. 3388.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from Mangalore to Bangalore in the State of Karnataka, a Pipeline should be laid by M/s Petronet MHB Limited;

And whereas, it appears, to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for the laying of the pipeline under the land to Shri Arif Ulla Sharif, Competent Authority, Mangalore-Bangalore Pipeline Project, M/s. Petronet MHB Limited, No. 332, First Floor, Darus Salam Building, Queens Road, Bangalore-560052, Karnataka.

SCHEDULE**STATE : KARNATAKA****TUMKUR DISTRICT**

NAME OF THE TALUK	NAME OF THE VILLAGE	SY. NO.	HISSA NO.	EXTENT A - G
1	2	3	4	5
TURUVEKERE	Indumaranahalli	116		0 - 03
		25	2	0 - 02
		46	2	0 - 01
		46	3	0 - 03
		46	4	0 - 01
	Dabbeghatta	258		0 - 08
		33	3	0 - 01
		317		0 - 02
		36	3	0 - 02
		30		0 - 03
	Guralamata	59	1	0 - 01
		67	3	0 - 01
		78	1	0 - 01
	Illehallikaval	7		0 - 06
	D.N.Purakaval	121	2	0 - 08
	Doddabeeranakere	3		0 - 03
		2		0 - 01
		134	4	0 - 06
		140	4	0 - 02
		151		0 - 02
	Bytharahosahalli	11		0 - 03
		56		0 - 04
		55	2	0 - 01
		60	7	0 - 01
		62		0 - 13
	Varahasandra	148		0 - 09
		160		0 - 01
		127	2A2	0 - 02
	Mallenahalli	73	3B	0 - 02
		101		0 - 21
		96		1 - 04
		92		0 - 02
	Thuyalahalli	16		1 - 08
		17		0 - 13
KUNIGAL	Gavinathapura	73		0 - 02
	Chattanahalli	50		0 - 03
		13	2	0 - 01
	Jaddigere	194	2B	0 - 01
		193		0 - 10

1	2	3	4	5
	Heddigere	78	2	0 - 05
		67	1	0 - 05
		67	2	0 - 02
		61		0 - 13
	Gunnagara	96	2B	0 - 06
		93	1	0 - 02
		95		0 - 15
		93	3	0 - 02
		123		0 - 18
		169	5	0 - 01
		169	4	0 - 03
	Rayagonahalli	52		0 - 13
		25		0 - 03
	Kurudihalli	58		0 - 20
		43		0 - 02
		139		0 - 03
		64	5B	0 - 01
	Vanagere	125	5	0 - 12
		155		1 - 09
		125	6	0 - 04
		125	7	0 - 14
		139		0 - 10
		146	2	0 - 03
		135		0 - 02
	K.Chaturbagha	41	1	0 - 03
	Bagenahalli	27	1B	0 - 06
	Kempasagara	156		0 - 02

MANDYA DISTRICT

NAME OF THE TALUK	NAME OF THE VILLAGE	SY. NO.	HISSA NO.	EXTENT A - G
1	2	3	4	5
NAGAMANGALA	Siddapura	27	2	0 - 01
		26	6	0 - 02

BANGALORE RURAL DISTRICT

NAME OF THE TALUK	NAME OF THE VILLAGE	SY. NO.	HISSA NO.	EXTENT A - G
1	2	3	4	5
Magadi	Yennigere	73		0 - 02
	Vaddarahalli	43	6	0 - 03
	Byrapura	13		0 - 01

1	2	3	4	5
	Thattekere	66	5	0 - 04
		66	6	0 - 08
		67	1	0 - 10
		67	4	0 - 01
		66	8	0 - 14
		67	6	0 - 05
		68	2	0 - 02
		66	7	0 - 12
		65		0 - 02
	Ombathanakunte	29	5	0 - 02
	Arasinakunte	29	4	0 - 03
	Malligunte	43		0 - 19
	Krishnapura	27	1	0 - 03
	Bisalahalli	34		0 - 03
	Biskur	38	1	0 - 01
		80		0 - 08
	Sankigattakaval	1	1	0 - 02
	Hullenahalli	91	1	0 - 01
	Muthagadahalli	40	1	0 - 28
	Sankigatta	215	5	0 - 02
	Hebbalalu	99		0 - 02
	Narayanapura	16	3	0 - 03
		16	4	0 - 04
NELAMANGALA	Yelachagere	88	1	0 - 09
HOSAKOTE	Naduvathi	88		0 - 02
	Tarabahalli	69	4	0 - 14
		70		0 - 22
		23		1 - 14

BANGALORE DISTRICT

NAME OF THE TALUK	NAME OF THE VILLAGE	SY. NO.	HISSA NO.	EXTENT A - G
1	2	3	4	5
BANGALORE NORTH	Huskur	158		1 - 00
	Mathahalli	114		0 - 06
		116		0 - 01
	Torenagasandra	19	7	0 - 01
	Jakkur	91	1A	0 - 04
		91	1B	0 - 06
		85	1	0 - 03
	Vaderahalli	36		1 - 20

1	2	3	4	5
BANGALORE SOUTH	Kannamangala	197	3	0 - 06
		197	2	0 - 05
	Bidara Agrahara	55	2	0 - 02
		52		0 - 01
		68	2	0 - 01
	Rampura	80		0 - 02
	Bileshivale	9		0 - 02
	Kothanur	26	1	0-03
		26	2	0-09
	K. Narayanapu	4	2	0-03
		4	3	0-07
	Avalahalli	41	4	0-04

[No. R-31015/29/2001 OR-III]
HARISH KUMAR, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2001

का. आ. 3389.— केंद्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में पानेवाडी (मनमाड) संस्थापन से मध्यप्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए ;

और केंद्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के संबंध में उपयोग के अधिकार का अर्जन के लिए श्री व्ही. पी. पाठक, सक्षम प्राधिकारी, मुंबई मनमाड पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कारपोरेशन लिमिटेड, 26, पार्क रोड, इन्दौर - 452003 (मध्यप्रदेश) को लिखित रूप में आक्षेप भेज सकेगा:

अनुसूचि

तेहसील : महेश्वर

जिला : खरगोन

राज्य : मध्यप्रदेश

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
१. भवनतलाई	3 (स. रास्ता)	0.0039
	4/1	0.7968
	4/2	
	4/3	
	4/4	
	4/5	
	4/6	
	4/7	
	6	0.2467
	14	0.0638
	8,9	0.0046
	13	0.1057
	12/2	0.0629
	22/4/1	0.0982
	22/4/2	0.0191
	22/1	0.3169
	22/3	0.0638
	33(नदी)	0.0325
२. बाकानेर	18	0.0767
	19	0.3071
	20 (स. रास्ता)	0.0181
	23(स. नाला)	0.1019
	22	0.1008
	24	0.5263
	25(स. चरागाह)	0.2502
	26(नदी)	0.0366
	33(स. चरागाह)	0.2514
	35	0.1197
	34/1 से 34/17	0.6659
	99/1 से 99/6	0.0361
	104(स. रास्ता)	0.0301
	106/1	0.1780
	106/2	

नाम का नाम	सर्वे क्रमांक	क्षेत्रफल हेक्टेयर
बाकवारे (विरंतर_)	108(सचरागाह)	0.1854
	107/1 से 107/10	0.3616
	116 (स.नाला)	0.0213
	119/1	0.1074
	119/2	
	119/3	
	119/4	
3. कुसुमिया	14/1/1/1	0.4037
	14/1/1/2	
	5/1	0.1985
	5/2	
	4,4/88	0.2397
	3(सचरागाह)	0.0696
४. काकदवा	33/1	0.2298
	33/2	
	33/3	
	32/1	0.0076
	32/2	
	32/3	
	36/2	
	37/1	0.3364
	37/2	
	38/2	0.1236
	85 (स.नाला)	0.0221
	19/1/2	0.5669
	19/2,15/2	
	19/3,16	
	19/4	
	19/5	
	19/1/1 (सचरागाह)	0.0166
	17	0.1704

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हैक्टेयर
काकड़दा (निरंतर..)	18/1	0.0071
	18/2	
	15	0.1711
	13 (राष्ट्रीय मार्ग, 3)	0.0458
	77/2/2	0.0515
	77/2/1	
	77/1/1	
	77/1/2	
	77/1/3	
	80,81	0.2356
	84	0.3875
	83	0.0084

[फा. सं. 31015/37/2001-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 14th December, 2001

S. O. 3389.— Whereas it appears to the Central Government that it is necessary in public interest that for the transport of Petroleum products from the Panewadi (Mianmad) terminal in the State of Maharashtra, an extension pipeline to Manglya (Indore) in the State of Madhya Pradesh should be laid by Bharat Petroleum Corporation Limited ;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user of land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Competent Authority, Shri V.P. Pathak, Mumbai-Manmad Pipeline Extension Project, Bharat Petroleum Corporation Limited, 26, Park Road, Indore-452003 (Madhya Pradesh).

SCHEDULE

TEHSIL: MAHESHWAR DISTRICT : KHARGONE STATE : MADHYA PRADESH		
NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1. BHAVANTALAI	3 (GCT)	0.0039
	4/1	0.7968
	4/2	
	4/3	
	4/4	
	4/5	
	4/6	
	4/7	
	6	0.2467
	14	0.0638
	8,9	0.0046
	13	0.1057
	12/2	0.0629
	22/4/1	0.0982
	22/4/2	0.0191
	22/1	0.3169
	22/3	0.0638
	33(RIVER)	0.0325
2. BAKANER	18	0.0767
	19	0.3071
	20(GCT)	0.0181
	23 (G.DRAIN)	0.1019
	22	0.1008
	24	0.5263
	25(GL)	0.2502
	26(RIVER)	0.0366
	33(GL)	0.2514
	35	0.1197
	34/1 to 34/17	0.6659
	99/1 to 99/6	0.0361
	104(GCT)	0.0301

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
BAKANER (Cont'd)	106/1	0.1780
	106/2	
	108(GL)	0.1854
	107/1 TO 107/10	0.3616
	116 (G.DRAIN)	0.0213
	119/1	0.1074
	119/2	
	119/3	
	119/4	
3. KUSUMBIYA	14/1/1/1	0.4037
	14/1/1/2	
	5/1	0.1985
	5/2	
	4,4/88	0.2397
4. KAKARDA	3(GL)	0.0696
	33/1	0.2298
	33/2	
	33/3	
	32/1	0.0076
	32/2	
	32/3	
	36/2	
	37/1	0.3364
	37/2	
	38/2	0.1236
	85(G.DRAIN)	0.0221
	19/1/2	0.5669
	19/2,15/2	
	19/3,16	
	19/4	
	19/5	
	19/1/1(GL)	0.0166
	17	0.1704
	18/1	0.0071
	18/2	
	15	0.1711
	13(NH 3)	0.0458

NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
KAKARDA (Cont'd)	77/2/2	0.0515
	77/2/1	
	77/1/1	
	77/1/2	
	77/1/3	
	80,81	0.2356
	84	0.3875
	83	0.0084

[No. R-31015/37/2001 OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2001

का. आ. 3390.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 3393 तारीख 11 नवम्बर 1999 और 2712-2713, तारीख 08 अक्टूबर 2001 द्वारा उन अधिसूचनाओं से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में, प्राकृतिक गैस के परिवहन के लिए, गुजरात राज्य में जिला सूरत में हजीरा से जिला भरुच में दहेज तक इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाये जाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 17-10-2001 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात्, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार का अर्जन किया जाए

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड, दहेज, जिला : भरुच में निहित होगा।

अनुसूची

तालुका (तेहसील) : ओलखंड

जिला : सुरत

राज्य : गुजरात

क्षेत्र

गध का नाम (1)	सर्वेक्षण सं./खंड संख्या या ब्लॉक सं. (2)	हेक्टर (3)	एकड़ (4)	सेन्टीमीटर (5)
बड़ोद	120/ अ - भाग	00	12	23
	120/ ब - भाग	00	11	40
	120/ अ, ब भाग	00	09	32
	केनाल	00	00	65
	केनाल	00	00	40
	95 - भाग	00	24	20
	97 - भाग	00	00	80
	90 - अ+ब/भाग	00	20	40
	91 - भाग	00	03	15
	92 - भाग	00	31	50
	88 - भाग	00	01	50
	कार्ट ट्रैक	00	00	60
	61 - भाग	00	27	55
	बड़ोली खाड़ी	00	05	98
	60 - भाग	00	00	48
	57 - भाग	00	19	74
	56 - भाग	00	14	33
	58 - भाग	00	00	34
	23 - भाग	00	09	90
	24 - भाग	00	08	75
	25 - भाग	00	00	25
	94 - भाग	00	13	50
	96 - भाग	00	02	00
	109/ अ+ ब	00	17	34
	110 - भाग	00	13	00

[फा. सं. एल-14014/11/99—जीपी(भाग-IV)]

स्वामी सिंह, निदेशक

New Delhi, the 14th December, 2001

S. O. 3390.— Whereas by notifications of the Government of India, Ministry of Petroleum and Natural Gas S.O. No. 3393 dated the 11th November, 1999 and S.O. Nos. 2712-2713 dated the 8th October, 2001 issued under sub-section (1) of section-3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule annexed to those notifications for the purpose of laying pipelines for transport of Natural Gas in the State of Gujarat from Hajira in District Surat to Dahej in District Bharuch by the Indian Petrochemicals Corporation Limited;

And whereas, copies of the said Gazette Notifications were made available to the public on 17.10.2001;

And whereas, the Competent Authority has under sub-section (1) of section-6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section(1) of section-6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule annexed to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section(4) of section-6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Indian Petrochemicals Corporation Limited, Dahej, Dist- Bharuch.

SCHEDULE**TALUKA : OLPAD****DIST : SURAT****STATE : GUJARAT**

Name of Village (1)	Survey/Sub Division or Block No. (2)	Area		
		Hectare (3)	Are (4)	Centiare (5)
Vadod	120/A -Part	00	12	23
	120/B - Part	00	11	40
	120/A+B Part	00	09	32
	Canal	00	00	65
	Canal	00	00	40
	95 - Part	00	24	20
	97 - Part	00	00	80
	90 / A+B Part	00	20	40
	91 - Part	00	03	15
	92 - Part	00	31	50
	88 - Part	00	01	50
	Cart Track	00	00	60
	61 - Part	00	27	55
	Vadoli Khadi	00	05	98
	60 - Part	00	00	48
	57 -Part	00	19	74
	56 - Part	00	14	33
	58 - Part	00	00	34
	23 - Part	00	09	90
	24 - Part	00	08	75
	25 - Part	00	00	25
	94 - Part	00	13	50
	96 - Part	00	02	00
	109/A+B Part	00	17	34
	110 - Part	00	13	00

[No. L-14014/11/99—GP(Vol. IV)]
SWAMI SINGH, Director

श्रम मंत्रालय

नई दिल्ली, 19 नवम्बर, 2001

का० आ० 3391.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार योजना अर्मासम, पब्लिकेशन डिवाजन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण गुवाहाटी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल.-42012/256/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 19th November, 2001

S. O. 3391.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Guwahati as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Yojana Assamese. Publication Division and their workman which was received by the Central Government on 19-11-2001.

[No. L-42012/256/99-I. R. (D. U.)]

KULDIP RAI VERMA, Desk Officer
ANNEXURE

IN THE INDUSTRIAL TRIBUNAL :

GUWAHATI : ASSAM

REFERENCE NO. 6(C) OF 2000

Present

Shri K. Sarma, L.L.B.,

Presiding Officer,

Industrial Tribunal, Guwahati

In the matter of an Industrial Dispute between : the Management of Editor-cum-St. Correspondent Yojana (Assamese), Publication Division

13.

Shri Hari Saikia

Date of Award : 6-9-2001

AWARD

The reference arises out of the Govt. order No L-42012/256/99/IR(DU) dt 2-3-2000 relates to the dispute indicated in the schedule below :

“Whether the action of the management of Yojana Assamese, Publication Division, Guwahati in terminating the services of their workman Sh. Hari Saikia w.e.f. 1-9-99 is justified. If not, to what relief the workman is entitled?”

Record put up today. This reference was fixed on 31-12-00 But since then, none of the parties has appeared and take any step in this reference nor record is put up

before me. From the conduct of the parties, I am satisfied that there exists no dispute between the parties and hence reference is disposed finally by passing a no dispute award. Prepare an award accordingly.

K. SARMA, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2001

का० आ०. 3392—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीफल बायो-फर्टिलाइजर डेवलपमेन्ट सेन्टर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2000 को प्राप्त हुआ था।

[सं. एल.-42012/68/2000/आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 19th November, 2001

S. O. 3392.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Bio Fertilizer Development Centre and their workman which was received by the Central Government on 19-11-2001.

[No. L-42012/68/2000-I. R. (D. U.)]

KULDIP RAI VERMA, Desk Officer
ANNEXUREBEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

“SHRAM SADAN”

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR.

BANGALORE.

Dated : 15th October, 2001

PRESENT

HON'BLE SHRI V. N. KULKARNI, B.COM. LL.B.,

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,

BANGALORE.

C.R. No. 29/2000

I PARTY

Shri L. Nagaraj.

S/o Late Shri Lingappa,

No. 73, Guddadahalli,

R. T. Nagar Post

Bangalore-560032

(Advocate-Anand Raman)

II PARTY

Regional Director,

Regional Bio Fertilizer

Dev. Centre, No. 34,

V Main Road, Hebbal,

Bengalorc-560024

AWARD

1 The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/68/2000/IR(DU) dated 9th August 2000 for adjudication on the following schedule :

“Whether Shri L. Nagaraj, former daily paid worker is eligible to claim regular employment under the Regional Bio Fertilizer Development Centre, Bangalore? If not, to what relief the workman is entitled?”

2 The first party was working as Casual Labourer during October 1992. He was dismissed therefore, the Industrial Dispute is raised.

3 Parties appeared.

4. First Party filed Claim Statement.

5 Management has not filed any counter. None was present for the management therefore the matter was posted for evidence of the first party.

6. Workman got examined himself as WW 1. Again management remained absent.

7 I have heard the arguments and posted the matter for award.

8 Case of the workman is that he was selected and appointed as a Casual Labourer during October 1992 against a substantial and sanctioned post continuously without any interruption till July 1995. He worked for more than 240 days. The management without any reason all of a sudden and without complying the provisions of Section 25 F of the ID Act refused employment. The action of the management is not correct. The first party was prayed to pass award in his favour. Workman gave evidence in support of his Claim Petition. There is no reason to discard the evidence of the workman as he continuously worked for more than 240 days. Management has not challenged his evidence.

9 Taking all this into consideration and the certificate EX. W1 issued by the management, I proceed to pass the following order :

ORDER

The reference is allowed. The management is directed to reinstate the first party to the post in which he was working. In the given circumstances no back wages are given.

(Dictated to PA transcribed by her, corrected and signed by me on 15th October 2001)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2001

का० आ० 3393.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल

मेडिकल रिसर्च सेन्टर फार ट्राईबल्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल.-42012/33/92-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th November, 2001

S. O. 3393.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Medical Research Centre for Tribals and their workman which was received by the Central Government on 19-11-2001.

[No. L-42012/33/92- I. R. (D. U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
JABALPUR

Case No. CGIT/LC/R/205/95

PRESIDING OFFICER : SHRI K. M. RAI

Shri Vijay Kumar Thakur,

S/o Shri Narmada Prasad Thakur,

R/o Simra, Post Sarond.

Teh Patan,

Distt. Jabalpur

Applicant

V/s

The Director.

Regional Medical Research

Indian Council of Medical Research,

Dhanwanti Nagar,

Medical College.

Jabalpur

Non-applicant

AWARD

Passed on this 15th day of October 2001

1. The Government of India Ministry of Labour vide order No. L-42012/33/92-IRDU dated 30-11-95 has referred the following dispute for adjudication by this Tribunal—

“Whether the action of the management of Regional Medical Research Centre for Tribals (ICMR) Jabalpur in terminating the services of Shri Vijay Kumar Thakur S/o Narmada Prasad Thakur is legal and justified? If not, what relief the workman is entitled to?”

2. The learned counsel for the management raised an objection regarding the maintainability of this dispute before this tribunal in the light of notification of Government of India published in the official Gazette dated 17-12-98. The present dispute is maintainable before the CAT. The learned counsel for the workman has not filed any reply.

3. In view of the facts stated above, it will be appropriate that the present dispute be disposed off by the competent court. In such a circumstance, it is hereby directed that the workman should approach the improper forum for determination of the dispute in question. This dispute is not decided on merit by this tribunal. The reference is answered accordingly.

4. Copy of the award be sent to the Ministry of Labour Govt. of India as per rules.

K.M. RAI, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2001

का० आ० 3394—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तम्बाकू बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल.-42012/27/98-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th November, 2001

S. O. 3394.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tobacco Board and their workman which was received by the Central Government on 19-11-2001.

[No L-42012/27/98-I. R. (D. U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE

THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT

"SHRAM SADAN"

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR,

BANGALORE

Dated : 24th October, 2001

PRESENT

HONBLE SHRI V. N. KULKARNI, B.COM. LL.B.,

PRESIDING OFFICER
CGIT-CUM-LABOUR COURT,
BANGALORE.

C.R. No. 84/98

I PARTY

Shri Kadegowda,
S/o Mallegowda,
Bystethinmanakoppal
Yenneholekoppal
Post, Paudavapana Taluk,
Mandya Distt 571427

(Advocate—

Shri B. S Venkatesh)

II PARTY

The Chairman,
Tobacco Board,
Ministry of Commerce,
Govt. of India,
No 1/9, IIIrd Cross, CSI
Compound, Annex-II
Unity

Building Bangalore—

560027

Advocate—

Shri Ravi B Naik

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No L-42012/27/98/IR(DU) dated 10th September, 1998 for adjudication on the following schedule

Schedule

"Whether the action of the management of Tobacco Board is justified in not regularising the services of Shri Kadegowda, Ex Group D employee? If so, to what relief he is entitled?"

2. First party was working with the Second Party. He was terminated and therefore, industrial dispute is raised.

3. Parties appeared and filed claim statement and counter respectively.

4. The case of the first party in brief is as follows.

5. The first party belongs to Backward community. He was appointed as watchman on daily wages w.e.f. 12-9-84 and he was posted at different places as stated in para 2 of the Claim statement. His services were discharged and therefore, the action of the management is not correct. He has completed 240 days work and the dismissal order is not correct because it amounts to retrenchment.

6. It is the further case of the first party that he had filed Writ Petition before the high Court of Karnataka and High Court of Karnataka by its order dated 17-9-97 directed the first party to approach the Labour Court. He is a workman and order of dismissal is not correct. First party for these reasons and for some other reasons has prayed to pass award in his favour.

7. The case of the Second Party in brief is as follows :—

8. The history of Tobacco Board's establishment is given in detail. The nature of work undertaken by the management is also given in detail.

9. It is the further case of the management that the appointment made by the board are purely on contractual basis and the same does not confer any rights for regular appointments. The term of employment of such employee will come to an end of the reason automatically on competition of four months or closure of auctions whichever is earlier.

10. It is the further case of the management that the first party has worked as a Watchman on a season basis during the auction season of 1984 to 1987. The job chart of various category of season staff shows that their work is confined only to the auction platform premises for a particular season and do not extend to motivation or extension etc. The interview letter also specifically mentioned that these posts are purely temporary and seasonal in nature. The allegation that the first party was working as regular employee and he was asked to furnish his details are not correct. The first party was well aware that his appointment was only for a particular season and his employment will automatically be terminated on completion of said period or on completion of auction. The allegations that the first party worked for 240 days is not correct. Management for these reasons and for some other reasons has prayed to reject the reference.

11. It is seen from the records that MW 1 is examined on behalf of the management. Workman got examined himself as WW1.

12. I have heard the arguments and perused the records carefully. The first party has filed written arguments and relied some citations and I have read them carefully.

13. According to the evidence of MW1 auction system was introduced in the year 1984. It was a seasonal work. First party was taken for work but he was not a permanent employee. The season starts from September to January every year. Local candidates through Employment Exchange were taken. First party was also taken as Watchman. First party never worked continuously. It is in the cross examination of MW 1 that they have regular employees and therefore, taking first party as watchman does not arise at all.

14. Against this we are having the evidence of MW1 who says that he has worked continuously for 3 years i.e. 1984 to 1987.

15. First party admits in his cross examination that it is true that there were seasonal workers with the second party.

16. With this it is clear that the contention of the management that the first party was taken as Watchman

for seasonal work is correct. We are having Ex. W2 and according to this the first party was working as a Gr. D on consolidated wages since 12.9.84.

17. We are having a circular Ex. W4 from the department to the effect that all daily wages watchman and attenders working under auction Platform No. 1 were formed to submit certificates and other Testimonials related to their Education, date of birth, caste etc. and they are informed to furnish on or before 10-3-1985 for further needful action to that office.

18. There is also an office order Ex. W6 to the effect that four persons were taken as watch man on temporary basis and their services can be terminated at any time without assigning any reasons whatsoever.

19. We are also having the relieving order of first party and others. From the Circular Ex. W4 one thing is clear that the management wanted to take further action in respect of Gr. D workman who were working with the management. It is true that the work was seasonal. It is also true from the documents given by the management that the first party worked from 1984 to 1987.

20. The learned counsel for the first party workman argued that the management has not produced the attendance register to prove that the first party worked only on seasonal basis and not from 1984 to 1987. The management ought to have produced the attendance register but that is not produced. The first party has relief the following decisions :

- (1) 1990 (1) LLJ 320
- (2) 1990 (1) LW 344
- (3) 1990 (2) LLJ 62
- (4) 1991 Supreme Court Digest
- (5) 2001 AIR Supreme Court Weekly

21. I have read the above decisions carefully. Keeping in mind the principles held in the above decisions and the fact that the first party has worked from 1984 to 1987, the action of the management seems to be unfair.

22. Considering all these facts, I am of the opinion that the management can consider to take the first party as Watchman and regularise his services if he fulfills all the conditions required in the light of Circular Ex. W4 issued by the management. Accordingly I proceed to pass the following Order :

ORDER

The reference is partly allowed. The management is directed to reinstate the first party as Watchman and regularise his services if he fulfills all the conditions of regularisation. In the given circumstances no back wages are given.

(Dictated to PA transcribed by her, corrected and signed by me on 24th October 2001)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2001

का.आ. 3395.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल प्रोविडेंट फंड कमिश्नर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कोलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-42011/32/88-डी-II(बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th November, 2001

S. O. 3395.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Provident Fund Commissioner and their workman, which was received by the Central Government on 19-11-2001.

[No. L-42011/32/88-D-II (B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

AT KOLKATTA

Reference No. 11 of 1989

Parties : Employers in relation to the management of Regional Provident Fund Commissioner (WB), Calcutta

AND

Their workmen.

Present : Mr. Justice Bharat Prasad Sharma
..... Presiding Officer

Appearance :

On behalf of Management Mr. A. K. Gupta, Advocate.

On behalf of Workmen Mr. A. C. Chattopadhyay, Advocate.

State : West Bengal. Industry : Provident Fund.

AWARD

By Order No L-42011/32/88-D.II(B) dated 23rd March, 1989 the Central Government in exercise of its powers under section 10 (1) (d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Regional Provident Fund Commissioner, West Bengal,

Calcutta in issuing the order enhancing the transfer duration from 6 months to one year to S/Shri Bhairao Nath Sarkar, Biswamber Das, Chhya Kanta Das and Xavier Toppo, Head Clerks, transferred from Regional office Calcutta to Sub-Regional Office, Siliguri, without providing financial relief for the period beyond 6 months is justified ? If not to what, relief, the concerned workmen are entitled”?

2. The present reference has been made as a result of an industrial dispute raised by the Regional Provident Staff Association, West Bengal regarding policy on short-term transfer of staff to the Sub-Regional Office at Siliguri resulting in financial loss to the staff thus transferred. From the written statement filed on behalf of the union it appears that the office of the Regional Provident Fund Commissioner was established at Calcutta in the State of West Bengal in accordance with the schemes framed under the Employees Provident & Miscellaneous Provisions Act, 1952 and the office was headed by the Regional Provident Fund Commissioner. It is further stated that the Regional Provident Fund Commissioner, West Bengal with an intention to extend facilities to the subscribers decided to open Sub-Regional Office at Siliguri and also decided to depute senior officials from Calcutta Office on transfer. It appears that there were some discussions between the Staff Association and the management and accordingly a letter was issued on 1st of November, 1977 by the management to the General Secretary of the Association regarding the transfer policy and it was assured that the matter was under consideration of the higher authorities. It is further stated that after the said assurance, transfers were made from the rank of Head Clerks for a period of 6 months without jeopardising their financial benefits which were being enjoyed by them at Calcutta. Some officials were accordingly transferred for a periods of 6 months with all their benefits intact. It is further stated that as per the policy of the Government if a person is transferred for a period of more than 6 months, he will not get the House Rent Allowance and Compensatory City Allowance in comparison to Class-A cities and accordingly many officers were transferred between 1977 and 1988 to the Sub-Regional Office at Siliguri and they were allowed to draw House Rent Allowance and Compensatory City Allowance as per rules, because they were transferred for 6 months only. It is further stated that the Regional Provident Fund Commissioner by his letter dated 24th April, 1982 addressed to the General Secretary of the Staff Association stated that in consideration of the difficulties faced by the Head Clerks on transfer for accommodation, they will be transferred from Regional Office to Sub-Regional Office on tour basis for a period of 6 months only. Accordingly by a letter dated 24th November, 1982 the Regional Provident Fund Commissioner transferred 7 officials in the rank of Head Clerk for a period of 6 months. Thereafter, by an order dated 1st October, 1983, 16

officials were also transferred similarly, but for a period of 2 years, if the financial benefits is extended upto 2 years, otherwise the duration will be upto the period of financial benefits i.e. 6 months. According to an order dated 27th April, 1984 the Regional Provident Fund Commissioner transferred 14 persons for a period of 2 years on the condition that if the financial benefit is extended upto 2 years, otherwise the duration will be for 6 months only. The Provident Fund Commissioner during the period from 1984 to August, 1987 issued orders dated 01-06-1984, 13-05-1986, 28-11-1986, 17-03-1987, 08-06-1987 and 18-03-1987 transferring the officials on the same condition but in contravention of the provisions of Section 9A of the Industrial Disputes Act, 1947 and against the orders of transfer passed earlier, by an order dated 07-11-1988 the Regional Provident Fund Commissioner transferred 4 officials for a period of one year which jeopardised the financial benefits of these persons and no reason was assigned for the same. The Staff Association being aggrieved with the unilateral action of the Provident Fund Commissioner recorded their objection by letter dated 11-04-1988 and also suggested some specific actions, but the authorities did not accept the proposal. The Staff Association finding the adamant attitude of the Regional Provident Fund Commissioner and finding no alternative, adopted a resolution in their general body meeting for reporting to trade union movement and communicated the decision to the Regional Provident Fund Commissioner by letter dated 12-04-1988. Thereafter, a notice was served to the management on 12-04-1988. After receiving the notice the Regional Provident Fund Commissioner by letter dated 15-04-1988 expressed his difficulties in sticking to the earlier orders issued from time to time as there was instruction given by the Central Provident Fund Commissioner regarding transfer for one to three year. The Staff Association in its letter dated 19-04-1988 conveyed the dissatisfaction of the Association and raised objection regarding the transfer order dated 07-04-1988. Again by a letter dated 21-04-1988 the Association communicated the decision taken by the general members on 11-05-1988 in protest of the unilateral decision of transfer policy. The Regional Provident Fund Commissioner acknowledged the letter of the Staff Association by a letter dated 19-04-1988 intimating the staff Association that they did not ignore all the norms of the policy, rather they have changed only the tenure of period of service increasing it from 6 months to 1 year and thus the union arrived at a conclusion that the management was not prepared to listen to their grievance. It is stated that an Fakir Chand Committee was constituted in the year 1979 and after perusing the terms of appointment of the employees, recommended its suggestion before the Central Board of trustees and the Central Board of Trustees accepted most of the suggestion of the recommendations and recommendation on transfer policy was accepted in the light as stated earlier. It is

therefor, stated that the Regional Provident Fund Commissioner, West Bengal had no right to change the policy and he did it with malafide intention. Thus, the Association revised a dispute by addressing letter dated 21st April, 1988 to the Regional Labour Commissioner (Central), Calcutta and the conciliation proceeding was taken up, but it could not materialise and accordingly the reference has been made. In this light it has been prayed on behalf of the Association that the action of the Regional Provident Fund Commissioner should be held to be illegal, arbitrary and malafide and that the transfer policy communicated under letter dated 07-04-1988 should be declared to be incorrect and illegal and the authorities should be directed to withdraw such action.

3. On receiving notice, the management also appeared and filed a written statement in which it challenged the maintainability of the reference on the ground that neither the office of the Regional Provident Fund Commissioner is an industry, nor the employees are workmen within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 and therefore the reference is invalid. The allegations of the union were denied parawise and it was stated that in a meeting of the Central Board dated 11-05-1972 a consensus was arrived at that some Sub-Regional Offices be opened for the convenience of the subscribers and again in the meeting dated 16-05-1975 the Board took a final decision to open Sub-Regional offices. Accordingly, 15 Sub-Regional Offices were opened at different places in different States and the Siliguri Sub-Regional Office was opened on 4th February, 1977. It is stated that for the purpose of running the Sub-Regional Offices it became necessary to draw staff from the Regional Offices in the initial stage. Thus, transfer of members of the supervising staff at the level of Head Clerks became inevitable for smooth and efficient functioning of the Sub-Regional Office and for the purpose of such transfers the Central Office laid down the policy of transfer with the guidelines as follows :—

1. The first preference may be given to the employees who are willing to be transferred.
2. The second preference may be given to those who belong to the area where the Sub-Regional office is located.
3. If husband and wife are employed in the Regional Office, both of them may be considered for transfer.
4. The individuals who have come in the consideration zone for promotion may be considered for transfer.
5. The employees who belong to any State other than the State where the Sub-Regional Office is located may be considered for transfer, and
6. The employees who may be interested for any personal reasons to serve in the Sub-Regional Office may be considered for transfer.

It is further stated that for smooth and efficient functioning of Sub-Regional Office at Siliguri, the Regional Provident Fund Commissioner, Calcutta had to send members of supervising staff at the level of Head Clerks to the said Sub-Regional Office from the Regional Office since the Head Clerks were not to be recruited directly. Accordingly, the Head Clerks were transferred to Sub-Regional Office at Siliguri on rotational basis as per seniority giving exception to the Head Clerks above 53 years of age and female Head Clerks. It is further stated that the Head Clerks were being transferred on the terms that their tenure of service at the Sub-Regional Office at Siliguri would be upto 2 years, if the financial benefits were extended upto that period, otherwise such tenure would be for 6 months only. But, the financial benefits were not allowed by the Central Govt. and as such the Head Clerks were transferred for 6 months upto the year 1987. It is further stated that human and management problem of the employees in the Sub-Regional Office in the different regions needed framing the transfer policy for transfer of the members of the staff from the Regional Office to Sub-Regional Office and for examining the problem and making necessary recommendations in that perspective the Central Board of Trustees in its 80th meeting held on August 31, 1979 took a decision to appoint a committee and consequently the Fakir Chand Committee was constituted. The said committee appreciated the problems faced by the employees consequent upon their transfer from the Regional Offices to the Sub-Regional Offices and the Committee expressed the view that such problems had arisen in the context of need for decentralisation of the work in the interest of rendering quick service to the lacks of subscribers. The said Committee after linking into the problem found that the policy of decentralisation was an accepted fact and there could be no departure from that. In the circumstance, the Committee expressed the opinion that the Sub-regional Offices should be manned and equipped properly for rendering quick and efficient service to the subscribers and accordingly some necessary recommendations were made. It is stated that consequent upon such recommendation, the transfer of employees from the Regional Offices to Sub-Regional offices of the Provident Fund Commissioner was reviewed and necessary guidelines were issued by the Central Provident Fund Commissioner to the Regional Provident Fund Commissioner by a circular dated 11 November, 1980. It is also stated that the Regional Provident Fund Commissioner was always bound to follow the instructions of the Central provident Fund Commissioner in an letter and spirit. It is stated that the Regional Provident Fund commissioner is empowered to give benefits to the employees working under it only to the extent as permitted by the Central provident Fund Commissioner. It is stated that the employees required to be transferred from Regional Office at Calcutta to Sub-Regional Office at Siliguri were all along and still bound by the transfer policy

framed by the Central Provident Fund Commissioner from time to time. It is also stated that rights and privileges of the employees concerned in connection with such transfers are also naturally covered by the terms and conditions of such terms of transfer policy and neither the employees are entitled to claim right or privilege in connection with such transfer outside the scope and ambit of the transfer policy, nor the Regional Provident Fund Commissioner is empowered to grant any such right or privilege to any of the employee concerned in connection with the transfer. It is stated that at no point of time any Compensatory City Allowance was paid to three Head Clerks on transfer to the Sub-Regional Office at Siliguri on 6 months basis, but Special Compensatory Allowance was granted at the prescribed rate mentioned in the office circular dated 3rd, January, 1977. Similarly, the transferee staffs were also not allowed to draw House Rent Allowance and Compensatory City Allowance otherwise than as per the Rules. Accordingly, the transfers have been made strictly in terms of the policy laid down by the Central provident fund Commissioner and because the Regional Provident Fund Commissioner received strict instruction that it had to abide by the directions of the Central Provident Fund Commissioner regarding the period of transfer for one year at a place where quarter is not available for such staff and for 3 years at a place where such quarter is available, such transfer have been made. Therefore, it is denied that either there is any illegality or impropriety in the orders of transfers or that any financial benefit to the transfers has been curtailed by the Regional Provident Fund Commissioner

4. So far as the point of maintainability of the reference is concerned, it can be very well said that the definition of 'industry' under section 2(i) of the Industrial Disputes Act, 1947 is such that it does not exclude the Officer of the Provident Fund Commissioner from its purview. In this connection it has been held by their Lordships of the Hon'ble Supreme Court in a case of D.N. Banerjee v. P.R. Mukherjee, 1953(1) LLJ 195 in these terms:

- (a) Where (i) systematic activity, (ii) organisation by cooperation between employer and employee the direct and substantial element is commercial, and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes, *prime facie* there is an industry in that enterprise.
- (b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.
- (c) The true focus is in the functioning and the decisive test is the nature of the activity with a special emphasis on the employer—

employee relations.

- (d) If the organisation is a trade or business, it does not cease to be one because of philanthropy animating the undertaking.

5. Learned Counsel appearing for the management has contended that the Office of the Regional Provident Fund Commissioner is an wing of the government and it cannot be treated as an industry because it has been created by the Central Government under an Act of the Parliament. However, this contention cannot be accepted because the office of the Regional Provident Fund Commissioner cannot be treated as a department or wing of the Government and therefore, taking the same from the purview of the definition of the 'industry' as laid down in the Industrial Disputes Act, 1947. It is an autonomous organisation. Since the office in question is covered by the definition of 'industry', the employees have to be treated as 'workman' under section 2(s) of the said Act. This preliminary objection is accordingly decided against the management and is answered accordingly.

6. So far as the case on merit is concerned, it appears that in course of hearing the union examined two witness. WW-1, Gauri Shankar Chatterjee the then Vice-President of the Regional Provident Fund Staff Association, West Bengal supported the case stated in the written statement of the union in his examination in chief and in his cross-examination he has expressed his ignorance about so many facts. He is not in a position to say as to what kind of financial losses were actually suffered by the transferred staff. He cannot say whether the existing transfer policy was framed by the Central Board of Trustees and he also does not know whether all the sub-regions the transfer policy is the same. He also cannot say whether the transfer policy in question has been framed by the Central Board of Trustees on the basis of the recommendations made by the Fakir Chand Committee or whether the Fakir Chand committee had given hearing to the Federation of all India level also. Similarly, W-2, Samar Patra the then President of the Association has also supported the case stated in the written statement, but in his cross-examination he has admitted that the conditions of service of the employees of the provident Fund Commissioner are guided by the Employees Provident Fund Staff Regulations, 1962. He also could not say as to whether the Head Clerks could be transferred outside the State. However, he admitted that the transfer policy is All India problem. He has admitted that there are various regions under the organisation and then sub-regions under the regions and everywhere transfer is made from the Regional Office to Sub-regional office. He has also no knowledge as to whether the transfer policy has been framed on the basis of the recommendations of the Fakir Chand Committee, but he has admitted that the Fakir Chand Committee had given hearing to the Federation before recommending the

transfer policy. He has also admitted that in the service condition it is not mentioned that the transfer should be for 6 months only and accordingly it has been suggested to him that the transfer policy is All India policy and all employees are bound to accept the same and it has also been suggested that the matter should have been taken up by the All India Federation and not by the regional body.

7. One witness Shri Pankaj Raman was examined on behalf of the management on 06-05-1999 who stated that as per the circular dated 11-11-1980 issued by the C.D.F.C., N.D. guidelines for transfers were laid down wherein it has been stated that the transferred staff should be brought back after one year, unless they were willing to continue in the Sub-Regional Office for further period. The document stands marked Ext M-1. He has also stated that the transfers have been made as per these guidelines. He also stated that there was never any system for providing any financial relief to the transferred employee from Regional Office to Sub-Regional Office for any period beyond 6 months. He also stated that the said transferred employees complied with the transfer orders and they were also brought back after one year as per the circular and therefore, he has stated that are not entitled to get any amount on account of such transfers. The interesting factor is that after this witness was examined, he could not be cross-examined by the union because no-one was present for the union. However, on subsequent dates, in spite of notice being sent to the union, no-one turned up and the matter remained pending for a pretty long time and ultimately the Advocate for the management was heard.

8. So far as the documents are concerned, several documents have been filed on behalf of the union and all these documents are undisputed. These are the transfer orders and some letters exchanged between the union and the management. But, the question for decision is whether the action of the management in transferring the Head Clerks for one year is illegal, arbitrary and improper. It has become obvious from the evidence recorded as well as from the documents filed that actually a policy decision was taken by the central body of the organisation regarding transfer of supervising staff to the sub-Regional Offices on the ground of administrative exigency and it was stated in the transfer policy that if a person is transferred to Sub-regional Office for a period upto 6 months and leaves behind his family at his original place of posting, he will continue to get his House Rent Allowance at the old rate and in order to accommodate the staff the regional office at Calcutta continued to transfer staff for a pretty long time on 6 months basis only. But subsequently, as per the policy decision of the central body the Regional Provident Fund Commissioner was directed to strictly comply with the instructions and not to dilute it of his own and therefore the regional Provident Fund Commissioner had to take the decision of transferring staff for one year because quarters were not

available at Saligurni. Under the transfer scheme a person was entitled to draw his allowance at old rate only upto 6 months and the Regional Provident Fund Commissioner had also tried to get the benefit extended for a period upto 2 years, but it was not accepted by the Central Authority and therefore, he was helpless in giving and allowing these benefits to the employees. It is also clear that the policy does not concern the state of West Bengal or the employees of Calcutta. Rather the policy relates to all the employees of the Regional Provident Fund Organisation and if there was any grievance on the part of the employees, the matter could have been raised by the All India Federation only and the Regional Association does not appear to be justified in raising the grievance. Since the evidence of MW-1 has not been controverted or even challenged by cross-examining him, it has to be accepted and the matter becomes clear from the document Ext M-1 also.

9. In the circumstance it becomes clear that the claims of the union in this reference are not fit to be considered and allowed. The workman shall not be entitled to any relief what-so-ever.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2001

को.आ. 3395.—औद्योगिक विवाद आधायम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्थिक सर्वेक्षण सचिव ऑफ इंडिया के प्रबंधन के संबद्ध नियोजन और कर्मों प्रयोगों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में शामिल होने के लिए औद्योगिक अधिकरण बेंगलूर के पंचाल को प्रकटित करता है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-42012/4/95 आई.आर. (सी यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, 19th November, 2001

S.O. 3396.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman which was received by the Central Government on 19-11-2001.

[No. L-42012/4/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"SHRAM SADAN",

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTI PUR, BANGALORE.

Dated 1st November, 2001

PRESENT

HON'BLE SHRI V. N. KULKARNI, B.Com. LLB.

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT.

BANGALORE.

C. P. No. 37/97

I PARTY

Shri Shivaputrappa
Sovmahally Post,
Huvnahadayalli,
Bellary Distt.
Karnataka State

II PARTY

The Superintendent,
Archaeologist,
Archaeological Survey of India,
No. 364, 16th Main,
4th 'T' Block, Jaya Nagar
Bagalore 560041

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/4/95-IR (DU) dated 10th May 1995 for adjudication on the following schedule:

"Whether the Superintending Archeologist, Archaeological Survey of India is justified by terminating the services of Shri Shivaputrappa with effect from 11-4-1993. If not, to what relief he is entitled and from which date?"

2. First Party was working with the Second Party on daily wages and his services were terminated therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows:

5. It is the case of the first party that he was appointed as Daily Wager in the office of the Conservation Assistant, Archaeological Survey of India, Davanagere on 3-7-1977. He worked at different places. In para 2 of the Claim Statement year wise working has given and it is said that he has continuously worked from 3-7-1979 and in the year 1993 he was getting Rs. 480 per month. He was not absorbed and the action of the management is illegal.

6. It is the further case of the first party that some other daily wager who were working with the second party

were absorbed and the action of the management so far as first party is concerned is illegal and in violation of mandatory provisions of ID Act. His juniors were absorbed. First party for these reasons and for some other reasons has prayed to pass award in his favour.

7. The case of the Second Party in brief is as follows.

8. It is contented by the management that the reference is not maintainable because the provisions of ID Act are not applicable so far as Second Party is concerned. There is long delay in raising the dispute.

9. It is the further case of the management that it is true that the first party has worked in the department at various places from 3-7-79 but his services were only utilized as casual labourer; and his engagement was not governed by rules and regulations. He has not worked continuously as alleged by him. The action of the management is correct. The services being only a Casual Labourer all the allegations of the first party are not correct. Management for these reasons and for some other reasons has prayed to reject the reference.

10. It is seen from the record that workman got examined himself as WW1. He has given detail evidence and has said that he continuously worked and he was illegally removed.

11. He further says in his cross examination that Ravanna, Malleshappa, Mahabaleshappa are still working with the department.

12. Against this we are having the evidence of MW1 Dr. D. Dayalan, Dy Superintendent, Archaeologist. In his evidence various documents are marked. He further said that the first party has abandoned his work during 1993 and second party has not terminated his services. MW1 in his cross examination has stated that it is true that the first party was taken as Casual Labourer on 3-7-79. He also says that the seniority list is published on 8-8-82 and the name of the first party is in Sl. No. 92 and was marked as Ex. W1.

13. I have carefully considered Ex. W1. It is in evidence that the department has prepared seniority list of Casual Labourers and the name of the first party is in Sl. No. 92. MW1 has said that first party workman worked from 3-7-79 to 10-4-93 at different places. In other words it is established that the first party has worked in the department from 3-7-79 to 10-4-93.

14. It was argued by the learned counsel for the management that the first party has not worked continuously for 240 days in any year. In support of this argument he relied the following decisions :

(1) JT 1997(4) SC 560.

(2) 1997(3) Scale 463,

(3) Order passed by CAT in OA 434/95 dated 26-1-96

(4) 1997 SLP CCNo. 143/97.

15. I have read them carefully. The facts of the case on hand are quite different from the facts of the above decisions

16. The learned counsel appearing for the first party has also relied CA. No. 5933/1994, a decision of the Hon'ble Supreme Court of India. I have read the decisions carefully.

17. Keeping in mind the principles held in the above decision and the fact that the first party's name is in the Seniority list. It is clear that the management is not justified in terminating his services without complying the provisions of Industrial Dispute Act

18. There is no merit in the arguments advanced by the learned counsel for the Second party that the management is not an Industry.

19. I have already said that MW1 has categorically admitted that the first party has worked for a long period i.e. w.e.f. 3-7-79 to 10-4-93. The management has filed certain attendance registers, but for the reason best known to the management they have not filed attendance registers after 1991

20. In view of the evidence referred earlier and the document Ex. W1 and in the absence of all the attendance registers up to 1993, I am of the opinion that the management has failed to establish that the first party has not worked continuously in any year. First party was terminated on 11-4-93. The attendance register just prior to termination could have been the best piece of evidence but that is not produced by the management.

21. It is also in evidence that some other casual workers who were working with this second party are regularised.

22. Taking all this into consideration I am of the opinion that the action of the management is not correct and accordingly I proceed to pass the following order

ORDER

The reference is partly allowed. The second party is directed to reinstate the first party as casual worker whose name is in the Seniority List and if he fulfils all the qualifications his case for absorption may be considered. Accordingly the reference is dismissed.

(Dictated to PA transcribed by her corrected and signed by me on 1st November 2001)

V. N. KULKARNI, Presiding Officer
नई दिल्ली, 19 नवम्बर, 2001

का.आ. 3397.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-40011/3/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 19th November, 2001

S.O. 3397.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Telecom and their workman, which was received by the Central Government on 19-11-2001.

[No. L-40011/3/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR

Case No. CGIT/LC/R/285/99

Presiding Officer :

Sri K. M. Rai
Smt. Usha Pancholi &
Smt. Rama Devi through
Circle Secretary,
All India Telecom Employees Union,
Class III MP Circle,
Behind GPO, Bhopal

Applicant

Versus

Chief General Manager,
Deptt. of Telecommunication,
Hoshangabad, M.P. Circle,
Bhopal

Non-Applicant

AWARD

Passed on this 1st day of November 2001.

1. The Government of India, Ministry of Labour vide order No. L-40011/3/99/IRDU, dated 25-8-99 has referred the following dispute for adjudication by this Tribunal—

"Whether the action of the management of Chief General Manager, Telecom Bhopal in not regularising Smt. Usha Pancholi and Smt. Rama Devi after completing 240 days in a calendar year and not paying them equal wages is legal and justified? If not, what relief the workmen are entitled?"

2. The Union filed an application praying for passing No Dispute Award as the management has regularised the workmen Smt. Usha Pancholi and Smt. Rama Devi. In the light of the application of the Union, it is held that the workmen have been regularised by the management w.c.f. 13-9-01 and therefore No Dispute exists between the parties. No Dispute Award is accordingly passed.

3. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K.M. RAJ, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2001

क्रा.आ. 3398.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-40011/11/2000-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 19th November, 2001

S.O. 3398.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 19-11-2001.

[No. L-40011/11/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NAGPUR

PRESENT SHRI B.G. SAXENA, PRESIDING
OFFICER.

Reference No. CGIT-232/2000

THE SUPERINTENDENT OF POST OFFICE

AND

SHRI SUDHIR LOKHANDE

SHRI BABURWAHAN PILLAWAN

SHRI SUDHIR MALIK

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute

for adjudication vide order No. L-40011/11/2000/IR(DU), dated 07-08-2000 on the following schedule.

SCHEDULE

"Whether the action of the management of Deptt. of P.G. The P.M.G., Nagpur and Sr. Supdt. of Posts, Nagpur to deny to legitimate and genuine demands of the instant union to service/promotion of their employees by way of informal discussion or otherwise in the light of the Hon'ble Courts decisions is legal and justified? If not, to what relief the said union is entitled?"

This dispute has been raised by the Chief Organising Secretary, Akhil Bharatiya Dak Karmachari Magas Wargiya Sanghatana, Nagpur. In the Statement of Claim it is mentioned that 50 to 60 extra departmental Agents have been appointed since 1992 in the management of Senior Post Master, Nagpur. Out of them three extra departmental agents namely Sudhir Lokhande, Baburwahan Pillawan and Sudhir Malik have not been absorbed in service for this reason that their names were not sponsored by Employment Exchange as stipulated in the rules of appointment of extra departmental staff. It is also alleged that since, 1992 and onward none of the extra departmental staff has been sponsored by Employment Exchange.

The above names of the three persons were appointed on 30-04-98. Their services have been terminated on 02-11-98 whereas some other employees have been regularised in the service. The termination of the above workmen is discriminatory and illegal.

The management contested the case that Akhil Bharatiya Dak Karmachari Magas Sanghatana is not a recognised union and has no right to raise the dispute. There are two other recognised unions in department of Post and Telegraph, they have not raised the dispute.

It is also mentioned that these workmen Sudhir Lokhande, Baburwahan Pillawan and Sudhir Malik had filed a case namely Original Application No. : 479/99 before Central Administrative Tribunal, Nagpur on the same issue in dispute. They had claimed for the regularisation of their services in the Department of Post as Extra Departmental Agent and their case has been decided on merit on 09-07-99. Therefore they have no right to raise this dispute again before this court on the same facts through their union.

I have heard the advocates of both the parties. Both the parties are represented by their advocates. They have submitted their Written Arguments in this reference.

It is admitted to both the parties that on the same issue all these three workmen Sudhir Lokhande, Baburwahan Pillawan and Sudhir Malik had filed Original Application bearing No. : 479/99. The Central Administrative Tribunal, Nagpur considered all the evidence produced by both the parties regarding the appointment of these three workmen in the Department

of Post Office and their termination of the service by the concerned department on 02-11-98. The Vice Chairman of the CAT has given the undernoted findings.

"In view of what has been discussed and recorded in the preceding paragraph, we find that the appointment of the applicants as Extra Departmental Agents by Senior Post Master, GPO, Nagpur, Respondent-3 was ab initio invalid since the same was contrary to the relevant rules and accepted procedures. We also hold that Respondent No. 2 (Senior Superintendent Post Office, Nagpur) was justified in exercising his supervisory powers to the department and to rectify the patent error which has been committed by a Subordinate Authority viz. Respondent No. 3. The impugned orders are upheld and the Original Application is disallowed as lacking in merit. No costs."

The above order of the Central Administrative Tribunal is therefore based on the evidence produced before it by the parties on the issue in dispute. This order has been passed on merit, considering the evidence and the law submitted before the Tribunal. The order in original Application No. 479/99 dated 09-07-99 has become final as the above noted workmen did not prefer to file any appeal in the High Court against the above order of the Tribunal. The counsel for the workmen has argued that the workmen had filed the Original Application before the CAT in their individual capacity and this dispute has been raised by the same workmen through their union before Central Government Industrial Tribunal, Nagpur. Hence the Court can hear the matter in dispute afresh.

The argument of the counsel for the workmen is baseless. When the workmen preferred to go before the Central Administrative Tribunal on the same facts which have been raised in this dispute, then the union has no right to re-agitate the issue and raise the dispute before the Assistant Labour Commissioner. When the matter in dispute has already been decided on 09-07-99 by the Central Administrative Tribunal then by changing a few words the nature of the dispute will not change. The fact and the issue and the parties in dispute are the same. The claim of the workmen to reemploy the three workers in service is absolutely baseless and the claim should be dismissed *intoto*.

ORDER

The action of the management of the Departmental Post (The P.M.G., Nagpur and Sr. Supdt. of Posts, Nagpur) to deny to the demands of the union to service/promotion of their employees mentioned in the claim by way of informal discussion or otherwise is legal and justified. The workmen are not entitled to any relief claimed by them through their union.

The reference is answered accordingly.

Dated : 19-10-2001

B.G. SAXENA, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2001

का.आ. 3399.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सेन्सई के मंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार में 19-11-2001 को रखा हुआ था।

[स. एल-40012/74/97-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th November, 2001

S.O. 3399.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Telcom and their workman, which was received by the Central Government on 19-11-2001.

[No. 1-40012/74/97-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 21st September, 2001

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 576/2001

(Tamil Nadu State Industrial Tribunal I. D. No. 80/98)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri P. Ravichandran and the Management of General Manager, Thanjavur Telecom.

BETWEEN

Sri P. Ravichandran : I Party/Workman

AND

The General Manager, Thanjavur Telecom. : II Party/Management.

Appearance :

For the Workman : Mr. R. Ramesh, Advocate

For the Management : Mr. K. Sambasivam, Addl. CGS

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and

Sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/74/97/IR(DU) dated 16-04-1998.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 80/98. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 576/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 19-03-2001. On receipt of notice from this Tribunal, the counsel on either side present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 31-07-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record and upon hearing the arguments advanced by the learned counsel for the II Party/Management alone and this matter having stood over till this date for consideration, this Tribunal has passed the following —

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the termination of the service of the workman Sri P. Ravichandran w.e.f. 21-11-1992 by the District Telecom Manager, Thanjavur is justified? If not, to what relief he is entitled?”

2. The main averments in the Claim Statement of the I Party/Workman are briefly as follows:—

The I Party/Workman Sri P. Ravichandran (herein after refers to as Petitioner) was working under the II Party/Management, Department of Telecommunications, Thanjavur District (hereinafter referred to as Respondent) continuously for the past several years as casual labour. The nature of work done by him was permanent and continuous nature under the Respondent. Without the employees like the Petitioner the Respondent cannot do the work of cable laying, provision of land linepanchayat public telephones, provision of STD public telephone, upgradation of local telephone lines etc. The Petitioner had put in more than 240 days in a year of service and the payment of wages vouchers signed by the petitioner would reveal that he was continuously doing permanent nature of work under the Respondent. After repeated requests from the Petitioner, the Chief General Manager,

Telecommunications by his order directed all heads of SSA to take back casual mazdoors whose break in service is more than one year and who were terminated and or not admitted for departmental work pending. Accordingly, the Divisional Engineer (Administration) in his order dated 19-9-92 condoned the break in service to permit the mazdoors to do departmental works. The Department of Telecommunications in its letter No. 269/3/92 STN dated 21-10-92 had directed not to consider the cases for condonations of break in service, when the break is beyond one year. Accordingly, as per the direction of Department of Telecommunications, the Divisional Engineer (Admn.) had cancelled the original order condoning the break in service. As per the direction of Department of Telecommunications, the petitioner was not permitted to work as casual mazdoor. The casual mazdoors are taken back for duty from March, 1993. The Petitioner's wages were paid by the A.E./SDEs. The Respondent informed the Petitioner that his services were terminated from 21-11-1992. The Respondent thereafter, re-employed the Petitioner under contract basis. The Petitioner's services were terminated, while the Respondent retained juniors in service. The Respondent violated the provisions of Industrial Disputes Act and the act of respondent is against the principles of natural justice. The Petitioner prays to pass an award holding the act of General Manager, Telecommunications, Thanjavur, terminating the Petitioner's service as illegal, arbitrary and against the principles of natural justice and reinstate the Petitioner with continuity of service, back wages and other attendant benefits.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows :—

The II Party/Management, The General Manager, Telecommunications Thanjavur (hereinafter referred to as respondent) submits that petitioner was engaged as casual mazdoor from 12-4-1982. He was working on casual basis. The Petitioner was not sincere and deserted from work without any intimation from May, 1982. He had not turned up for 10 years and 4 months. The work was not a permanent one. The work was allotted to the Petitioner whenever necessary purely on casual basis and when the regular mazdoors were not available due to leave and absentism to execute the nature of work. The work was not of a permanent nature. As and when fault comes on the lines and when there is demand for new connections, the work will be carried out by casual mazdoor on contract basis. The petitioner was given such type of work. The Petitioner had worked only for 6 days from 12-04-82 to 30-04-1982. The work was not a permanent one. He was not working continuously. He had not reported for duty regularly and not engaged for duty from May, 1982 to 18-09-1992 for nearly 10 years. The work was not of a permanent nature. Also the Petitioner had not fulfilled the necessary conditions for

getting promotion to temporary status mazdoor. The necessary conditions are:—

- (1) should be currently employed;
- (2) minimum continuous service of one year;
- (3) should be engaged on work at least for 240/206 days in the year depending upon the type of office employed;
- (4) He has been recruited prior to 30-03-1985

As per the direction of the Chief General Manager, Telecom, Chennai by his letter dated 18-8-92, the Divisional Engineer (Admn) Tanjore condoned the break in service of the petitioner and took him to contingency works. The Department of Telecommunications in its letter dated 21-10-92 has directed not to consider the cases for condonation of break in service when the break is more than one year. Accordingly, the Respondent had cancelled the original order condoning the break in service. Hence the Petitioner has become ineligible to work as casual mazdoor. The petitioner was not permitted to work as casual mazdoor. The Petitioner was allowed to do work purely on contract basis after March, 1983. The Petitioner has not fulfilled the necessary conditions to become a temporary status mazdoor. As the break in service for the Petitioner was more than one year, he was terminated from service. The action was as per departmental rules only. Since the Petitioner has not been absorbed in this department, he is not eligible to be served with any notice or notice pay. The petitioner is not eligible for getting retrenchment compensation. The Petitioner is not eligible for permanent post. The work given to him was casual, seasonal and intermittent in nature. The Petitioner is not eligible for continuity of service, back wages and other benefits. Hence, this Hon'ble Tribunal may be pleased to dismiss the petition for devoid of merit.

4. Earlier when the matter was on the file of Tamil Nadu State Industrial Tribunal as I.D. No. 80/98 an award was passed on 2-9-98 due to the absence of the petitioner dismissing the claim for default. To set aside the Award dated 02-09-98 passed by the Tamil Nadu State Industrial Tribunal, the Petitioner has filed a petition there itself to set aside the award with a petition to condone the delay of 570 days in filing that set aside petition. When that petition was pending enquiry as unnumbered petition in that Tamil Nadu State Industrial Tribunal, as per the orders of Central Govt. this case has been transferred to the file of this Tribunal for adjudication and disposal. When those two unnumbered petitions were taken up here for the enquiry, the counsel for the Respondent has made an endorsement on both the petitions that he has no objection to allow these petitions.

Hence, the petition to condone the delay of 570 days in filing the set aside petition and the petition filed to set aside the award dated 2-9-98 in I.D. No. 80/1998

by the Tamil Nadu State Industrial Tribunal were allowed. The ex-parte order of Award passed on 2-9-98 in this industrial dispute by the Tamil Nadu State Industrial Tribunal as I.D. No. 80/1998 has been set aside and the main industrial dispute has been restored to file and renumbered as I.D. No. 576/2001.

4. Subsequently, when the matter came up for enquiry, the I Party/Management had filed a Counter Statement and the matter was posted for enquiry on various subsequent dates. When the matter was taken up finally for enquiry on 31-7-2001, the I Party and his counsel remained absent as usual and the counsel for the II Party alone was present and has advanced his arguments.

5. The Point for my consideration is---

"Whether the termination of services of the workman Sri P. Ravichandran w.e.f. 21-11-1992 by the District Telecom Manager, Thanjavur is justified? If not, to what relief he is entitled?"

Point :—

In this case, no one was examined as witness on either side. No document has been filed on either side as exhibit. The Claim Statement, Counter Statement and all other relevant records of this dispute were perused. The arguments advanced by the learned counsel for the II Party/Management was also considered. In the Claim Statement of the Petitioner it is simply stated that he had put in more than 240 days in a year of service, he was continuously doing permanent nature of work under the Respondent. It is not stated in the Claim Statement as to when the Petitioner was so engaged as casual mazdoor continuously by the Respondent/Management. No oral and documentary evidence has let in, in support of the allegations mentioned in the Claim Statement by the Petitioner. On the other hand, in the Counter Statement the Respondent has clearly averred that the Petitioner was engaged as a casual mazdoor from 12-04-1982 and he was working on casual basis. Further it is stated in the Counter Statement that the Petitioner had deserted from work without any intimation from May, 1982 and he had not turned up for 10 years 4 months. It is also contended in the Counter Statement of the Respondent that the Petitioner had worked in the department only for 6 days from 12-04-1982 to 30-04-1982. The Petitioner had not reported for duty regularly and he had not engaged for duty from May, 1982 to 18-9-1982 for nearly ten years. All these specific allegations have not been denied by way of any reply statement by the Petitioner/Workman. The learned counsel for the II Party/Management would argue that in 1992 due to the pressure of the Trade union, the Divisional Engineer (Admn) had condoned the break in service of the Petitioner. The Petitioner was taken back to

duty in 1992. The Divisional Engineer (Admn) had powers to condone the break in service only for six months. More than six months break in service cannot be condoned by the Divisional Engineer (Admn), as he has no powers to that extent. After the Department of Telecommunications came to know the illegal condonation of break in service, gave a direction to the Divisional Engineer to cancel the original order condoning the break in service. Subsequently, the Divisional Engineer (Admn), terminated the services of the Petitioner on 21-11-92. Taking advantage of illegal condonation of break in service, the Petitioner wanted to have legalised the action of the Divisional Engineer (Admn) and prays for reinstatement in service. From the materials available in this case, it is seen that the Divisional Engineer, who had condoned the break in service of the Petitioner, had no powers to do so, because the illegal condonation of break in service by an official has no authority to do so was subsequently came to the knowledge of Department of Telecommunications and an instruction has been given by the Department of Telecommunications to cancel such illegal and irregular condonation of break in service. In pursuance of that direction of Department of Telecommunications, the Divisional Engineer (Admn), has cancelled the original order condoning the break in service and thereby the General Manager, Department of Telecommunications, Thanjavur had terminated the service of the Petitioner Sri P. Ravichandran casual labour w.e.f. 21-11-92. So, it cannot be said that the said action of the Respondent/Management is improper, illegal and unjustified. As stated by the Respondent/Management in their Counter, as the Petitioner had worked only for 6 days prior to 30-03-85, he is not eligible for permanent post. The work given to him was casual, seasonal and intermittent in nature. So, he is not eligible for continuity of service. From this, it is seen that the reinstatement of the Petitioner itself, by condoning his break in service is irregular and he cannot consider to be a workman in order to attract Section 25F of the Industrial Disputes Act, 1947 and that provision will be applicable only to legally appointed employee. As the Petitioner is not employed so, as he had stayed away from duty for nearly ten years, he is not entitled to claim the relief prayed for. Further no substantial evidence is available on the side of the Petitioner to show that he had minimum continuous service of 240 days in one year and he was recruited prior to 30-3-85 to get a status of Temporary Mazdoor. He has not shown to have requisite qualifications of the conditions mentioned in the scheme. From all these,

it is seen that the action of the General Manager in terminating the services of the Petitioner as a casual labourer w.e.f. 21-11-92 is proper legal and justified. Hence, the concerned workman is not entitled for any relief. thus, the point is answered accordingly.

C. In the result, an Award is passed holding that the termination of the services of the workman Sri P. Ravichandran w.e.f. 21-11-1992 by the District Telecom Manager, Thanjavur, is justified. Hence, he is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 21st September, 2001)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None

DOCUMENTS MARKED :

On either side : Nil

नई दिल्ली, 19 नवम्बर, 2001

का.आ. 3400.—औद्योगिक विवाद अधिनियम, 147 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिपटेन्डेन्ट, आर. एम. एस. के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों, के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-40012/81/96 -आई.आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th November, 2001

S.O. 3400.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Superintendent, RMS and their workman which was received by the Central Government on 19-11-2001.

[No. L-40012/81/96-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT

"SHRAM SADAN",

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE.

Dated 17th October, 2001

PRESENT

HON'BLE SHRI V. N. KULKARNI, B. Com, LLB,

PRESIDING OFFICER

CGIT-CUM-LABOUR COURT,

BANGALORE.

C. R. No. 18/98

I PARTY

Shri Peer Mohammed
(Major). Casual Labourer,
D. No. 64, Ward No. XXII,
Dalwala Masjid, Dhobi
Street, Civil Bazar,
Bellary, Karnataka State

II PARTY

Superintendent, R.M.S.,
Hubli Dn
Hubli P.O, Dharwar Dist.
Karnataka-580029

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-40012/81/96-IR (DU) dated 2nd March 1998 for adjudication on the following schedule :

Schedule

"Whether the action of the management of Supdt. RMS, HB. Dn, Hubli in terminating the services of Shri Peer Mohammed, w.e.f. 31-3-91 is legal and justified ? If not, to what relief the workman is entitled to ?"

2. First Party was working with the management. His services were terminated w.e.f. 31-3-1991 and therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows :

5. First party was appointed as a Casual Labourer in the establishment of Railway Mail Service. Sorting office at Bellary. He served the department honestly and sincerely. He was working at Bellary. First party was working during the absence of regular Group 'D' or ED agents is not correct. The applicant was appointed as a casual labourer to convey mail bags accumulated in the ground floor to the sorting office in the 1st floor and vice versa. The first party was in employment of the management and worked for more than 240 days in all the years.

6. It is true that the first party and 3 other approached the Central Administrative Tribunal, Bangalore and CAT, Bangalore directed respondent No. 1 to have a fresh look into the case.

7. The management has not considered the case of the workman. The first party for these reasons and for some other reasons has prayed to pass award in his favour.

8. The case of the Second Party in brief is as follows :

9. The contention of the first party is that he was appointed as a Casual Labourer is not correct. First party was not engaged for more than 240 days in any of the year. It is true that the CAT, Bangalore directed the management to examine the case of the first party along with others. The first party has not fulfilled the required conditions so his case was not considered. Statement of working days of the first party is given in the Counter.

10. First party was not in employment on 29-11-1989 and not worked for 240 days or 8 hours in a year and therefore he was terminated.

11. The decision of the CAT is not binding. Second party for these reasons and for some other reasons has prayed to reject the reference.

12. It is seen from the records that the management to prove his case examined MW1, Shri Suresh. His evidence is that he was working as Superintendent, RMS in Hubli Division, Hubli.

13. His further evidence is that the first party worked from 1986 to 1991. Of course he has said that the first party never worked continuously for more than 240 days.

14. MW1 says in his cross examination that Ex. 1 is prepared on the basis of Attendance Register. He further says in his cross examination that he has not produced attendance register. The management without any proper explanation has failed to produce attendance register.

15. We have the evidence of workman and he says that he was working in the department since 1985 and he worked upto 1991. He further says that he worked upto 1991.

16. He further says that Shri Chowdappa, Noor Pasha and Umesh were working with him and they are taken on duty.

17. I have carefully read the evidence of the management witness and the workman. I have also perused the judgement of the CAT in CA No. 829/1993.

18. It is in evidence that the first party has worked from 1986 to 1991. The management has not produced the attendance register. Non production of attendance register is really fatal to the management.

19. It is also in the evidence that three others who were working with the first party are taken on duty. This would go to show that there is unfair labour practice against the present workman.

20. It was argued by the learned counsel appearing for the management that as per Ex. 3 the first party was

not working at relevant period and therefore, temporary status was not confirmed on the first party.

21. Against this it was argued by the learned counsel for the first party that there is no merit in this contention because the circular at Annex. 3 is to be read in two parts namely : First part is that :

Temporary Status would be conferred on casual labourers in employment as on 19-11-89. In other words Workmen who were working as on 29-11-89 would be given temporary status.

22. It is clear from the evidence of MW1 itself and also the evidence of workman that prior to 29-11-1989 first party was working with the management.

23. According to the evidence before me, first party was working with the Second party since 1986.

24. The Second part of the Circular is that :

The workman who continues to be currently employed and rendered continuous service of atleast one year and he might have been engaged for a period of 240 days in a year will be given temporary status and for such workman continuously working for 240 days is a must and not the workman who was working with the management prior to 29-11-89.

25. There is merit in the arguments advanced by the learned counsel appearing for the first party.

26. It was submitted by the learned counsel for the first party workman that it is an admitted fact by the management witness that similar workmen were given temporary status and therefore the same treatment has to be given to the first party workman.

27. He further submitted that he is satisfied if temporary status is given to the first party workman.

28. Considering the material before me and the circulars relied by the parties and admission of MW1 I am of the opinion that when 3 persons of similar work are conferred and given temporary status, the first party workman is also entitled for the same.

29. I have also said that the management cannot discriminate the first party workman with 3 others of similar nature of work.

30. Considering all this I am of the opinion that the management can be directed to give temporary status to first party workman and accordingly I proceed to pass the following order :

ORDER

Reference is partly allowed and the management is directed to confer temporary status on the first party workman. Accordingly reference is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 17th October 2001)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2001

को.आ. 3401.—औद्योगिक विवाद अधिनियम, 1947 (1947-51-14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्नई के पत्राट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[स. एल-40012/209/95-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th November, 2001

S.O. 3401.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chennai as follows in the Annexure in the Industrial Dispute between the employers in relation to the management of Do Telecom and their workman, which was received by the Central Government on 19-11-2001.

[No. L-40012/209/95-IR (DU)]

KULDIP RAI VERMA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 17th September, 2001

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 437/2001

(Tamil Nadu State Industrial Tribunal I. D. No. 51/97)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) Section 10 of the Industrial Disputes Act, 1947 (1947-51-14) between the Workman Sri A. Mathiyalagan and the Management of Department of Telecommunications, Thanjavur)

BETWEEN

Sri A. Mathiyalagan I Party/Workman.

AND

The General Manager, II party/Management.
Department of Telecommunications, Thanjavur

Appearance :

For the Workman : Mr. R. Ramesh,
Advocate

For the Management : Mr. R. Karunakaran,
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/209/95/IR(DU) dated 23-07-1997.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 51/97. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 437/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 27-02-2001. On receipt of notice from this Tribunal, the counsel on either side present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 31-07-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record and upon hearing the arguments advanced by the learned counsel for II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Department of Telecommunications, Thanjavur in terminating the services of Shri A. Mathiyalagan, casual labour w.e.f. 21-11-1992 is proper, legal and justified ? If not, to what relief the workman is entitled?”

2. The main averments in the Claim Statement of the I party/workman are briefly as follows:—

The I Party/Workman Sri A. Mathiyalagan (herein after refers to as Petitioner) was working under the II Party/Management, Department of Telecommunications, Thanjavur District (hereinafter referred to as Respondent) continuously for the past several years as casual labour. The nature of work done by him was permanent and continuous nature under the Respondent, without the

employees like the Petitioner the Respondent cannot do the work of cable laying, provision of land line panchayat public telephones, provision of STD public telephone, upgradation of local telephone lines etc. The Petitioner had put in more than 240 days in a year of service and the payment of wages vouchers signed by the petitioner would reveal that he was continuously doing permanent nature of work under the Respondent. After repeated requests from the Petitioner, the Chief General Manager, Telecommunications by his order directed all heads of SSA to take back casual mazdoors whose break in service is more than one year and who were terminated and or not admitted for departmental work pending. Accordingly, the Divisional Engineer (Administration) in his order dated 19-9-92 condoned the break in service to permit the mazdoors to do departmental works. The Department of Telecommunications in its letter No. 269/3/92 STN dated 21-10-92 had directed not to consider the cases for condonations of break in service, when the break is beyond one year. Accordingly, as per the direction of Department of Telecommunications, the Divisional Engineer (Admn.) had cancelled the original order condoning the break in service. As per the direction of Department of Telecommunications, the petitioner was not permitted to work as casual mazdoor. The casual mazdoors are taken back for duty from March, 1993. The petitioner's wages were paid by the A E /SDEs. The Respondent informed the Petitioner that his services were terminated from 21-11-1992. The Respondent thereafter, re-employed the petitioner under contract basis. The petitioner's service were terminated, while the Respondent retained juniors in service. The Respondent violated the provisions of Industrial Disputes Act and the act of respondent is against the principles of natural justice. The Petitioner prays to pass an award holding the act of General Manager, Telecommunications, Thanjavur, terminating the Petitioner's service as illegal, arbitrary and against the principles of natural justice and to reinstate the Petitioner with continuity of service, back wages and other attendant benefits.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows :—

The II Party/Management, The General Manager, Department of Telecommunications Thanjavur District (hereinafter referred to as respondent) submits that petitioner was engaged as casual mazdoor from 7-5-84. He was working on casual basis. The Petitioner was not sincere and deserted from work without any intimation from 21-10-84. He had not turned up for 7 years and 11 months. The work was not a permanent one. The work was allotted to the Petitioner whenever necessary purely on casual basis and when the regular mazdoors were not available due to leave and absenteeism to execute the nature of work. The work was not of a permanent nature. As and when fault comes on the lines and when there is

demand for new connections, the work will be carried out by casual mazdoor on contract basis. The petitioner was given such type of work. The Petitioner had worked only for 50 days from 7-5-84 to 20-10-84. The work was not a permanent one. He was not working continuously. He had not reported for duty regularly and not engaged for duty from 21-10-84 to 7-09-1992 for nearly 8 years. The work was not of a permanent nature. Also the Petitioner had not fulfilled the necessary conditions for getting promotion to temporary status mazdoor. The necessary conditions are---

- (1) should be currently employed.
- (2) minimum continuous service of one year;
- (3) should be engaged on work at least for 240/206 days in the year depending upon the type of office employed;
- (4) He has been recruited prior to 30-03-1985

As per the direction of the Chief General Manager, Telecom, Chennai by his letter dated 18-8-92, the Divisional Engineer (Admn) Tanjore condoned the break in service of the petitioner and took him to contingency works. The Department of Telecommunications in its letter dated 21-10-92 has directed not to consider the cases for condonation of break in service when the break is more than one year. Accordingly, the Respondent had cancelled the original order condoning the break in service. Hence the Petitioner has become ineligible to work as casual mazdoor. The petitioner was not permitted to work as casual mazdoor. The Petitioner was allowed to do work purely on contract basis after March, 1983. The Petitioner has not fulfilled the necessary conditions to become a temporary status mazdoor. As the break in service for the Petitioner was more than one year, he was terminated from service. The action was as per departmental rules only. Since the Petitioner has not been absorbed in this department, he is not eligible to be served with any notice or notice pay. The petitioner is not eligible for getting retrenchment compensation. The Petitioner is not eligible for permanent post. The work given to him was casual, seasonal and intermittent in nature. The Petitioner is not eligible for continuity of service, back wages and other benefits. Hence, this Hon'ble Tribunal may be pleased to dismiss the petition for devoid of merit.

4. Earlier when the matter was on the file of Tamil Nadu State Industrial Tribunal as I.D.No. 51/97 an award was passed ex-parte against the II Party/Management. To set aside the ex-parte Award dated 30-10-98 passed by the Tamil Nadu State Industrial Tribunal, the II Party/Management has filed a petition there itself as M.P.No. 38/2000. When that petition was pending enquiry there, as per the orders of Central Govt this case has been transferred to the file of this Tribunal for adjudication.

and disposal. Though the case was taken up for several hearings, the counsel for the I Party/Workman and the I Party himself has not turned up to prosecute this case here. But the II Party/Management counsel alone was present and requested for allowing the petition to set aside the ex-parte order of Award passed by the Tamil Nadu State Industrial Tribunal on 30-10-1998. On 24-4-2001, when the matter was taken up for enquiry, the counsel for the I Party had made an endorsement on the petition stating that the I Party/Workman has no objection to allow that petition. So, that petition to set aside the ex-parte award passed by the Tribunal in this case was set aside and the enquiry in the main Industrial Dispute was adjourned to 4-6-2001. Subsequently, when the matter was taken up for enquiry on various hearings, the counsel for the II party/Management alone was present. Neither the I party nor his counsel was present to prosecute this case. So the matter was finally adjourned to 31-7-2001 for hearing the arguments of the counsel for the II Party/Management. Accordingly, the counsel for the II party/Management had advanced his argument.

5. The Point for my consideration is—

"Whether the action of the General Manager, Department of Telecommunications, Thanjavur in terminating the services of Shri A. Mathiyalagan, casual labourer w.e.f. 21-11-1992 is proper, legal and justified? If not to what relief the workman is entitled ?

Point :—

In this case, no one was examined as witness on either side. No document has been filed on either side as exhibit. The Claim Statement, Counter Statement and all other relevant records of this dispute were perused. The arguments advanced by the learned counsel for the II Party/Management was also considered. In the Claim Statement of the Petitioner it is ———— simply stated that he had put in more than 240 days in a year of service. He was continuously doing permanent nature of work under the Respondent. It is not stated in the Claim Statement as to when the Petitioner was so engaged as casual mazdoor continuously by the Respondent/Management. No oral and documentary evidence has let in, in support of the allegations mentioned in the Claim Statement by the Petitioner. On the other hand, in the Counter Statement the Respondent has clearly averred that the Petitioner was engaged as a casual mazdoor from 7-05-1984 and he was working on casual basis. Further it is stated in the Counter Statement that the Petitioner had deserted from work without any intimation from 21-10-84 and he had not turned up for 7 years 11 months. It is also contended in the Counter Statement of the Respondent that the

Petitioner had worked in the department only for 50 days from 7-05-1984 to 20-10-1984. The Petitioner had not reported for duty regularly and he had not engaged for duty from 21-10-84 to 7-9-1992 for nearly eight years. All these specific allegations have not been denied by way of any reply statement by the Petitioner/Workman. The learned counsel for the II Party/ Management would argue that in 1992 due to the pressure of the Trade union, the Divisional Engineer (Admn) had condoned the break in service of the Petitioner. The Petitioner was taken back to duty in 1992. The Divisional Engineer (Admn) had powers to condone the break in service only for six months. More than six months break in service cannot be condoned by the Divisional Engineer (Admn), as he has no powers to that extent. After the Department of Telecommunications came to know the illegal condonation of break in service, gave a direction to the Divisional Engineer to cancel the original order condoning the break in service. Subsequently, the Divisional Engineer (Admn.) terminated the service of the Petitioner on 21-11-92. Taking advantage of illegal condonation of break in service, the Petitioner wanted to have legalised the action of the Divisional Engineer (Admn) and prays for reinstatement in service. From the materials available in this case, it is seen that the Divisional Engineer, who had condoned the break in service of the petitioner had no powers to do so, because the illegal condonation of break in service by an official has no authority to do so was subsequently came to the knowledge of Department of Telecommunications and an instruction has been given by the Department of Telecommunications to cancel such illegal and irregular condonation of break in service. In pursuance of that direction of Department of Telecommunications, the Divisional Engineer (Admn), has cancelled the original order condoning the break in service and thereby the General Manager, Department of Telecommunication, Thanjavur had terminated the service of the Petitioner Sri A. Mathiyalagan casual labour w.e.f. 21-11-92. So, it cannot be said that the said action of the Respondent/Management is improper, illegal and unjustified. As stated by the Respondent/Management in their counter, as the Petitioner had worked only for 50 days prior to 30-3-85, he is not eligible for permanent post. The work given to him was casual, seasonal and intermittent in nature. So, he is not eligible for continuity of service. From this, it is seen that the reinstatement of the petitioner itself, by condoning his break in service is irregular and he cannot consider to be a workman in order to attract Section 25F of the Industrial Disputes Act, 1947 and that

provision will be applicable only to legally appointed employee. As the Petitioner is not employed so, as he had stayed away from duty for nearly 8 years, he is not entitled to claim the relief prayed for. Further no substantial evidence is available on the side of the Petitioner to show that he had minimum continuous service of 240 days in one year and he was recruited prior to 30-3-85 to get a status of Temporary Mazdoor. He has not shown to have requisite qualifications of the conditions mentioned in the scheme. From all these, it is seen that the action of the General Manager in terminating the services of the petitioner as a casual labourer w.e.f. 21-11-92 is proper legal and justified. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the action of the General Manager, Department of Telecommunications, Thanjavur, in terminating the services of Sri A. Mathiyalagan, casual labourer w.e.f. 21-11-92 is proper, legal and justified. Hence, he is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 17th September, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None

Documents marked :

On either side : Nil

नई दिल्ली, 19 नवम्बर, 2001

का.आ. 3402.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-40012/210/95-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th November, 2001

S.O. 3402.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central

Government Industrial Tribunal-cum-Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Telecom and their workman, which was received by the Central Government 19-11-2001.

[No. L-40012/210/95-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 18th September, 2001

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 438/2001

(Tamil Nadu State Industrial Tribunal I. D. No. 52/97)

[In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Selvaraj and the Management of Department of Telecommunications, Thanjavur.]

BETWEEN

Sri S. Selvaraj : I Party/Workman.

AND

The General Manager, : II Party/Management.
Department of Telecommunications, Thanjavur.

Appearance :

For the Workman : Mr. R. Ramesh,
Advocate

For the Management : Mr. R. Karunakaran,
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/210/95/IR(DU) dated 23-07-1997.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 52/97. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of

Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 438/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 27-02-2001. On receipt of notice from this Tribunal, the counsel on either side present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 31-07-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record and upon hearing the arguments advanced by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Department of Telecommunications, Thanjavur in terminating the services of Shri S. Selvaraj, casual labour w.e.f. 21-11-1992 is proper, legal and justified? If not, to what relief the workman is entitled?”

2. The averments in the Claim Statement of the I party/workman are briefly as follows:—

The I Party/Workman Sri S. Selvaraj (hereinafter referred to as Petitioner) was working in the II Party/Management, Department of Telecommunication, Thanjavur District continuously for the past several years. He was doing the work of II Party Department of Telecommunication. Thanjavur (hereinafter referred to as Respondent and was receiving wages directly from the department. He was discharging his duties honestly to the utmost satisfaction of his superior. The nature of work done by him was permanent and continuous nature under the Respondent. Without the employees like the Petitioner the Respondent cannot do the work of cable laying, provision of land line panchayat public Telephones, provision of STD public telephones, upgradation of local telephone lines, conversion of Manual exchange to auto exchange, provision of new telephone connection, introduction of STD in some exchanges and cable laying line wire erection of for providing new phone connection, upgradation of local telephone lines, cable network. He had put in more than 240 days in a year of service and for the payment of wages, vouchers signed by Petitioner would reveal that he was continuously doing permanent nature of work under

Respondent. His everyday work was allotted and supervised by the Respondent/departmental authorities. The Petitioner has to report for duty regularly. Periodical representations were made to higher authorities to absorb the Petitioner as permanent employee of Respondent since the Petitioner was discharging permanent nature of work and continuous and essential work of the Respondent. After repeated request from him, the Chief General Manager, by his order directed all heads of SSA to take back casual mazdoors whose break in service is more than one years and who were terminated and or not admitted for departmental work pending. Accordingly, the Divisional Engineer in his order dated 19-9-92 condoned the break in service to permit the mazdoors to do departmental work. To the shock and surprise of the petitioner the Department of Telecommunications in its letter dated 21-10-92 has directed not to consider the cases for condonations of break in service, when the break is beyond one year. Accordingly, and as per the directions of Department of Telecommunications, the Divisional Engineer (Admn.) had cancelled the original order condoning the break in service. Therefore, the Petitioner has become ineligible to work as casual mazdoor. As per the direction of Department of the Telecommunications, the petitioner was not permitted to work as casual mazdoor. The casual mazdoors are taken back for duty from March, 1993. The petitioner's wages were paid by the A.E./SDEs. His juniors are absorbed against regular post of Group D or awarded temporary status, but the Petitioner was neither absorbed against regular post of Group D or awarded temporary status. The Petitioner requested for appointment against the regular Group D post in view of his continuous service under the Respondent. To his shock, the Respondent informed the Petitioner that his services were terminated from 21-11-92. The Respondent thereafter, re-employed the petitioner under contract basis. The Respondent violated the provisions of Industrial Disputes Act and the act of the Respondent is against the principles of natural justice. The petitioner had put in more than 240 days of service under the Respondent. The petitioner's service were terminated, without giving him notice or notice pay and the Respondent failed and neglected to pay retrenchment compensation. The Petitioner's services were terminated while the Respondent retained juniors in service which is in clear violation of Industrial Laws of the Land. The Petitioner raised industrial dispute before the Regional Labour Commissioner, Madras. The Respondent was adamant and refused to give permanent employment to the Petitioner. The matter was referred as an industrial dispute by the Government of India, Ministry of Labour to this Tribunal for adjudication. The Petitioner is ready and willing to work with the Respondent as permanent employee since he was already continuously employed by the Respondent and his nature of work under the Respondent is of permanent nature. Hence, this Tribunal

may be pleased to pass an award holding that the act of General Manager, Telecommunication, Thanjavur, in terminating the Petitioner's service as illegal, arbitrary and against principles of natural justice and reinstate the Petitioner with continuity of service, back wages and other attendant benefits.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows :—

The General Manager, Telecom, Thanjavur, II Party/Management (hereinafter referred to as Respondent) deny all the allegations made in the claim petition except those that are admitted in the Counter. The Petitioner was engaged as casual mazdoor from 6.3.76. He was working on casual basis. The Petitioner was not sincere and deserted from work without any intimation from February, 1978. He had not turned up for fourteen years and seven months. The work was not a permanent one. The work was allotted to him whenever necessary purely on casual basis and when the regular mazdoors were not available due to leave and absentism to excute the nature of work. The work was not of a permanent nature. As and when fault comes on the lines and when there is demand for new connections, the work will be carried out by casual mazdoor on contract basis. The Petitioner was given such type of work when regular mazdoors were not available and when sudden urgent works were to be excuted on priority basis. The Petitioner had worked only for 69 days from 6.3.76 to January, 1978. The work was not a permanent one. He was not working continuously. The Petitioner had not reported for duty regularly and not engaged for duty from Feb. 1978 to 19.9.92 for nearly 15 years. The work was not of a permanent nature. Also The Petitioner had not fulfilled the necessary conditions for getting promotion to temporary status mazdoor. The necessary conditions are —

- (1) should be currently employed;
- (2) minimum continuous service of one year;
- (3) should be engaged on work atleast for 240/206 days in the year depending upon the type of office employed;
- (4) he has been recruited prior to 30.03.1985.

The Chief General Manager, Telecom, Chennai letter dated 18.8.92 the D.E. (Admn.) Thanjore condoned the break in service and taken. The Petitioner to contingency works. The Department of Telecommunications in its letter dated 21.10.92 has directed not to consider the cases for condonation of break in service when the break is more than one year. Accordingly, and as per the directions of Department of Telecommunications the Divisional Engineer (Admn.)

had cancelled the original order condoning the break in service and hence the Petitioner has become ineligible to work as casual mazdoor. As per the direction of Department of Trelecommunications, the Petitioner was not permitted to work as casual mazdoor. The Petitioner was allowed to do work purely on contract basis after March, 1983 and gets the contracted amount from the competent authorities. As per the direction of the Department rules, the Petitioner has not fulfilled the necessary conditions to become a temporary status mazdoor. Since the Petitioner is not covered the above conditions, he is not eligible for TSM. As the break in service is more than one year he was terminated from service. The action was as per departmental rules only. The Petitioner had worked in the department only for 69 days from 6.3.76 to January, 1978. Since the Petitioner has not been absorbed in this department, he is not eligible to be served with any notice or notice pay and he is not eligible for getting retrenchment compensation. The Petitioner has not fulfilled the necessary conditions to become a temporary status mazdoor and as per the departmental rules the Petitioner is not eligible for permanent employment. The Petitioner had worked only for 69 days prior to 30.3.1985. He is not eligible for permanent post. The work given to him was casual, seasonal and intermittent in nature. He is not eligible for continuity of service, back wages and other benefits. Hence, this Hon'ble Tribunal may be pleased to dismiss the petition.

4. Earlier when the matter was pending before the Tamil Nadu State Industrial Tribunal as I.D. No. 22/97 an award was passed *ex-parte* against the II Party/Management. Later a petition to set aside that *ex-parte* order as I.A.No. 20/2001 was filed. When the matter was taken up here, the counsel for the I party had made an endorsement as no objection for the petition to be allowed. Hence, that petition was allowed and the order passed *ex-parte* earlier in this case by the Tamil Nadu State Industrial Tribunal was set aside. Subsequently, when the matter was came up for enquiry for so many hearings, neither the I Party nor his counsel was present to prosecute this case. When the case was taken up finally for enquiry on 25-6-2001 then on 17-7-2001 and finally on 31-7-2001, neither the I party nor his counsel was present and there was no representation on the side of the I Party/Claimant. The counsel for the II Party alone was present and hence, his arguments was heard. No one was examined on either side and no document has been marked on either side.

5. The Point for my consideration is —

"Whether the action of the General Manager, Department of Telecommunications, Thanjavur in terminating the services of Sri S. Selvaraj, casual labour w.e.f. 21-11-92 is proper, legal and justified? If not, to what relief the workman is entitled?"

Point:—

It is admitted that the Petitioner was working as a casual labourer in the Respondent Department of Telecommunications for some time. It is the contention of the Petitioner in his Claim Statement that he had put in more than 240 days in a year of service. But no part of this has been given in Claim Statement about his service. He has not mentioned in Claim Statement as to when he was working under the Respondent continuously. On the other hand, it is specifically averred in the Counter Statement of the Respondent that the Petitioner was engaged as casual mazdoor from 6-3-1976 and he deserted from service without any intimation from February, 1978 and he had not turned up for 14 years 7 months. It is also averred in the Counter Statement of the Respondent that the Petitioner had worked only for 69 days from 2-3-76 to Jan. 1978 and he was not working continuously. These particulars given by Respondent in their Counter Statement about the services of Petitioner has not been disputed or denied by the Petitioner by let in any acceptable oral or documentary evidence. Further, the averment in the Counter Statement is that the Petitioner had not fulfilled the necessary conditions for getting promotion as Temporary Status Mazdoor and also the Petitioner has not chosen to let in any contra evidence. It is not the case of Petitioner that he has fulfilled all the conditions referred to in the scheme for offering temporary status mazdoor. So under such circumstances, it is seen that the averment in the Counter Statement that the Petitioner had worked only for 69 days prior to 30-3-85 and hence the Petitioner is not eligible for permanent post and the work given to him was casual, seasonal and intermittent nature can be accepted as correct because there is no contra allegation on the side of the Petitioner or any evidence has been let in by the Petitioner either oral or documentary to disprove these contentions of the Respondent in their Counter Statement.

6. The Petitioner has filed a xerox copy of the Doctor Certificate along with other documents. From the perusal of Doctor Certificate, it is seen that the Petitioner was normal and he was fit to resume work from 1-9-92 only and further it is stated in that certificate from 1-4-77 to 1-11-77, from 17-2-78 to 31-8-92, he was suffered from the decessae of epilepsy and was in the intensive care for the treatment of the concerned Doctor. One document is in support of the contention of the Respondent in their Counter Statement that the Petitioner has deserted from work without any intimation from Feb. 1978. The allegation in the Petitioner's Claim Statement that he had put in more than 240 days in a year of service in the Respondent, Department of Telecommunications

has not been proved by him. It is admitted by the Petitioner himself in his Claim Statement that the Department of Telecommunications in its letter dated 21-10-92 has directed not to consider the cases of condonation of break in service, when the break is more than one year and accordingly as per the directions of the Department of Telecommunications the Divisional Engineer had cancelled the original order condoning the break in service. Therefore, the Petitioner has become ineligible to work as casual mazdoor. It is also the admission of the Petitioner in the Claim Statement that the Respondent informed him that his services were terminated from 21-11-92. It has been stated in Counter Statement also. From all these things it is seen that the Petitioner was not eligible to work as casual mazdoor since he had a break in service for more than one year and he had not fulfilled the conditions required for granting temporary status. It is stated in para 12 of Counter Statement that the Petitioner was not eligible for temporary status mazdoor as the break in service is more than one year and he was terminated from service as per the departmental rules only. So from the materials available in this case, it is seen that Department of Telecommunications in its letter dated 21-10-92 has directed not to consider the cases for condonation of break in service, when the break is more than one year. In the case of the Petitioner admittedly he had a break in service for more than one year. So he was not considered for conferment of Temporary Status Mazdoor. So under such circumstances, one month after the order passed by the Department of Telecommunications on 21-10-92 the services of the Petitioner as casual labour was terminated by the General Manager, Department of Telecommunications, Thanjavur w.e.f. 21-11-92. So from this it is seen that the said action of the Respondent/Management is proper, legal and justified. Hence, the concerned workman is not entitled for any relief as prayed for. Thus, the point is answered accordingly.

7. In the result, an Award is passed holding that the action of the General Manager, Department of Telecommunications, Thanjavur in terminating the services of Sri S. Selvaraj, Casual Labour w.e.f. 21-11-92 is proper, legal and justified. Hence, the concerned workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 18th September, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side None

DOCUMENTS MARKED :

On either side Nil

नई दिल्ली, 21 नवम्बर, 2001

का.आ. 3403.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडस्ट्रियल ऑफ फोरस्ट जेनेटिक्स एंड ट्री ब्रिडिंग सेन्टर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2001 को प्राप्त हुआ था।

[सं. एल-42012/71/94 आई.आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st November, 2001

S.O. 3403.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Institute of Forest Genetics and Tree Breeding Centre and their workman which was received by the Central Government on 21-11-2001

[No. I-42012/71/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL CUM-LABOUR COURT CHENNAI

Monday, the 22nd October, 2001

PRESENT:

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE No. 391/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 47/95)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947), between the Workman Sri L. Ellaiya and the management of Institute of Forest Genetics and Tree Breeding Centre, Coimbatore.)

BETWEEN

Sri L. Ellaiya : I Party/Workman

AND

The Director, : II Party/Management,

Institute of Forest Genetics and
Tree Breeding Centre, Coimbatore.

APPEARANCE :

For the workman : M/s. M. Gnanasekar &
G. Manjula, Advocates

For the management : M/s. M. Velusamy, Advocate

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-42012/71/94-IR(RU) dated 4-8-1995.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 47/95. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 391/2001 and notices were sent to the counsel on record on either side. Informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 20-02-2001. On receipt of notice from this Tribunal, the counsel on either side present with their respective parties and prosecuted this case further

When the matter came up before me for final hearing on 12-09-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, upon perusing the oral evidence let in on the side of the I Party/Workman, upon perusing the written arguments filed by the learned counsel on this either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Institute of Forest Genetics and Tree Breeding Centre, Coimbatore, in denying the employment to Sri L. Ellaiya w.e.f. 01-12-88 is proper, legal and justified? If not, to what relief the workman is entitled?”

2. The averments in the Claim Statement of the I Party/Workman are briefly as follows :—

The I Party/Workman Sri L. Ellaiya (hereinafter refers to as Petitioner) has worked as casual daily labour in forest soil-cum-vegetation survey, Indo-Danish Project on seed procurement and tree improvement as well as in the Institute of Forest Genetics and Tree Breeding Centre, from September, 1983 to November 1988. He was terminated from service orally on 1-12-1988 without any valid reasons but some of his juniors are still working in the same institute. The Institute of Forest Genetics and Tree Breeding Centre, was formed in the month of August 1988 by transferring all the employees working in the

sub-centres of Ministry of Environmental and Forests, Govt. of India, New Delhi, namely Forest Soil cum Vegetation Survey, Forest research centre, Southern Forest rangers College, Disease Insect Survey, Indo-Danish Project on Seed procurement and Tree improvement located at Coimbatore, Eucalyptus Research Centre, Environmental Research Station, Ooty and Indo-Danish Project on Seed Procurement and Tree Improvement at Hyderabad. All the said 8 centres were merged were marged with Institute of Forest Genetics and Tree Breeding Centre, along with movable and immovable assets lab building and its accessories, field stations etc. Thus, the authorities of Institute of Forest Genetics and Tree Breedings Centre, has become the appropriate authority to maintain the service of the applicant. The workman Sri C. Sekaran and Sri. K. T. Moorthy who were in Environmental Research Station, Ooty were terminated by the Institute of Forest Genetics and Tree Breeding centre authorities and as per the direction of the Hon'ble Central Administrative Tribunal, they were reinstated in service. Mr. R. Soundararajan, casual worker Disease Insect Survey, Coimbatore was also reinstated and regularised according to the final order in O.A. No. 98/99 passed by the Central Administrative Tribunal. As per the orders of Central Administrative Tribunal in O.A. No. 454/86 and Review Application No. 8/91, the workman Sri M. Muthu, casual labour who was terminated from the services of Forest Research Centre and Sourthern Forest Rangaers College has been reinstated in service. That as per the orders of Central Administrative Tribunal, the workman Sri T. Dhanabal of Forest Research Centre and Southern Forest Rangers College has also been reinstated in service. After the termination of the Petitioner from service, more than 60 workers have been posted in the Respondent Institute. The petitioner had put in a continuous service of one year in September 1984 itself. The Respondent ought to have taken steps to regularise the service of the concerned workman against a Group 'D' post in September, 1984 itself. Instead of regularising the Petitioner as a group 'D' employee, the Respondent verbally terminated the service of the petitioner w.e.f. 30-11-1988. It is a violation of principles of natural justice and the provisions under Section 25F of the Industrial Disputes Act, 1947 and it is a gross violation of Articles 14, 16 and 21 of the Constitution. This Tribunal may be pleased to direct the Respondent/ Management of institute of Forest Genetics and Tree Breeding Centre, to reinstate the petitioner into service with all consequential benefits.

3 The averments in the Counter Statement of the II Party/ Management are briefly as follows :—

The 1st Respondent Institute has been constituted as a Society under the Societies Registration Act with effect from 31-1-91. The Petitioner was not employed under the 1st Respondent at any point of time. Therefore, the present claim petition seeking reinstatement and consequential regularisation in the 1st Respondent Institute is not maintainable. Further, the 1st Respondent is a Scientific and Research Oriented Institution and cannot be called an 'industry' as defined under the Industrial Disputes Act, 1947. Therefore, the claim petition is not maintainable. The Petitioner was employed as a casual daily labour in a particular project from September 1983 to November 1988. That particular project was not the control of the 1st Respondent and therefore, the 1st Respondent is not in a position to counter the said allegation. Even assuming that the petitioner has rendered any past service in the Indo-Danish Project, that will not give him a claim for regularisation under the 1st Respondent Institute. The allegation that he was terminated orally on 1-12-88 by the 1st Respondent is false. The 1st respondent was formed as an independent society w.e.f. 31-5-1991 and not from August 1988 as alleged. The petitioner has given details of some cases, where reinstatement followed by regularisation has been made in pursuant to the orders of Central Administrative Tribunal, Madras and the Petitioner cannot compare himself with those persons in those cases were ones relating to employees of other cadres, who were terminated and thereafter reinstated in pursuant to the orders of the Tribunal. Further, all those persons had rendered previous service and this fact was also admitted by the Respondent. However, in the present case, the petitioner has not rendered any service under the 1st Respondent. Therefore, he cannot compare himself with the earlier cases cited by him. He has also not produced any other document or record to show that he was continuously employed from September 1984, even the 1st Respondent does not have any document or record to substantiate the said allegation. Therefore, the claim of the petitioner has to fail. Hence, the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the petitioner alone was examined as witness on his side as WW1. On the management side, no one has been examined as a witness. On either side, no document has been filed as exhibit. The learned counsel on either side have filed their respective written arguments.

5. The Point for my consideration is—

“Whether the action of the management of Institute of Forest Genetics and Tree Breedings Centre,

Coimbatore, in denying the employment to Shri L. Ellaiya w.e.f. 01-12-88 is proper, legal and justified? If not to what relief the workman is entitled?"

Point :—

The Petitioner has stated in his claim petition that he was working as casual labour in Forest Soil cum Vegetation Survey, Indo-Danish Project and Seed Improvement and Tree Improvement from September, 1983 to November, 1988 and he was terminated from service orally on 1-12-1988. But it is disputed by the 1st Respondent that the Petitioner has never been in service in that institute i.e. Institute of Forest Genetics and Tree Breedings Centre. It is also contended by the Respondent that the said project was not under the control of the 1st Respondent, Director, Institute of Forest Genetics and Tree Breeding Centre, Coimbatore. WW1, the Petitioner herein has deposed that he joined as a casual labour in Forest Soil cum Vegetation Survey at Coimbatore on 17-08-1983 and he worked in that department upto April, 1998 and subsequently he worked in the Indo-Danish Project for a period of four months till August, 1988. Then he worked in INGT institute at Coimbatore till December, 1988. In the end of November, 1988 and from 01-12-1988, he was non-employed. It is his further evidence that all the employees of eight-sub-centres of Ministry of Environmental and Forests were merged with the Institute of Forest Genetics and Tree Breedings centre, and all the workmen are working in the Institute of Forest Genetics and Tree Breedings Centre, and he was not given any written notice for terminating him from service and no compensation was also given to him, when orally terminated from service. On cross-examination, it is the evidence of WW1 that he was working as a Watchman in that department on daily wage basis and he has not filed any document in support of the same. It is his further admission in the cross examination that he has not filed any certificate showing that he ever worked in the Institute of Forest Genetics and Tree Breedings Centre, and that he was not given any appointment order in Institute of Forest Genetics and Tree Breedings centre. It is also his admission that he was working as a casual labourer and was doing his work on daily wage basis and he was not employed as a permanent labourer. Even for that he has not filed any documents in Court. It is also his admission that he has not produced any document to show that the workman, who joins as casual labourer subsequent to him in those departments have been given employment. From this, it is seen that the allegation of the Petitioner that he ever worked in the Institute of forest Genetics and Tree Breedings Centre, as a casual labour has not been proved. The Petitioner

has also not filed any documents to show that he ever worked as a casual labour in Forest Soil cum Vegetation Survey at Coimbatore and then Indo-Danish Project and INGT institute, Coimbatore. Document has been filed by the Petitioner to show that the Institute of Forest Genetics and Tree Breedings Centre, was formed in the month of August, 1988 and by that time all the employees working in various eight centres of Ministry of Environmental and Forests, Govt. of India, New Delhi were transferred to the Institute of Forest Genetics and Tree Breedings Centre. It is the definite contention of the Respondent that Institute of Forest Genetics and Tree Breedings Centre, was formed as an independence Society with effect from 31-5-1991 and not from August, 1988. To substantiate the claim of the Petitioner, he has not filed any document or record to show that he ever rendered any service under Institute of Forest Genetics and Tree Breedings Centre, Coimbatore. The Petitioner has filed a letter from the Institute of Forest Genetics and Tree Breedings Centre, as Annexure No. 4 and another copy of the list of casual labourers of that institute. In both these documents his name has not been mentioned as casual labour along with the names of the other persons. Thus, it is clearly seen that the Petitioner was in no way concerned with the Respondent Institute of Forest Genetics and Tree Breedings Centre, Coimbatore. The letter Written by the Secretary of the Union by itself cannot prove that the petitioner was employed in the Institute of Forest Genetics and Tree Breedings Centre, Coimbatore. The cases referred to by the Petitioner both in his Claim Statement and in his evidence are relating to employees of Respondent Institute who were terminated and thereafter reinstated pursuant to the orders of the Central Administrative Tribunal. However, those persons had rendered previous service in the Respondent Institute itself. The Petitioner cannot compare himself with those persons to ask for reinstatement in service of the Respondent/Institute of Forest Genetics and Tree Breedings Centre, Coimbatore, as contended by the Respondent in their Counter Statement as well as by the learned counsel in the written arguments. Hence, the claim of the workman is frivolous and it has to be dismissed. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the action of the Management of Institute of Forest Genetics and Tree Breedings Centre, Coimbatore, in denying employment to Shri L. Elaiya is proper, legal and justified. Hence, the concerned workman is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 22nd October, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

for the Party/Workman : WW1 Sri L. Ellaiya
For the II Party/Management : None

DOCUMENTS MARKED :

On either side : Nil

नई दिल्ली, 21 नवम्बर, 2001

का.आ. 3404. - औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों, के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापत्तनम् के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2001 को प्राप्त हुआ था।

[सं. एल-40025/14/2001-आई.आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st November, 2001

S.O. 3404.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of D/o Telecom and their workman which was received from the Central Government on 21-11-2001

[सं. एल-40025/14/2001-IR(DU)]

KULDEEP RAI VERMA, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT VISAKHAPATNAM

PRESENT :

Sri K. Veerapu Naidu, B.Sc., B.L. Chairman and
Presiding Officer

Dated, 11th October, 2001

L.T.I.D.No (C)45/99

BETWEEN

M Venkata Ramana,

S/o. Apparao,

C/o. Apparao,

D. No. 10-3-11, Chinrajupeta,

Oddupedhi,

Anakapalli, Visakhapatnam Dist. ... Workman

AND

(1) The Chief General Manager,

Telecom. A. P., Hyderabad,

(2) The Assistant Engineer,

Telephone & Telegraphic Department,

(Co-Axial cable Project),

Sriramanagar, Rajahmundry-105 ... Management

This petition coming on for final hearing before me in the presence of Sri P. Rama Rao, advocate for workman and Sri M. Ramakoti, advocate for management. Upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is an application filed under Sec. 2A(2) of the Industrial disputes Act, 1947 for reconsideration of the decision of the employers terminating the services of the petitioner and to restore the benefits to the workman with retrospective effect.

(2) The case of the petitioner is that he worked as casual mazdoor under the control of the second respondent. The 1st respondent is the higher authority to the 2nd respondent. The petitioner worked at Rajahmundry since 1994 and worked for more than 258 days. He worked upto 16-2-85 at various places at Rajahmundry, Sukakulam, Tuni and Anakapalli and his services were terminated unlawfully by the management. Thereafter the petitioner approached the management several times for absorption, but the management dragging the matter for years together and finally on 18-6-99 he issued a registered notice on the workman asking them to reconsider its decision of termination from service and to restore him into service. But no reply was given by the management. The workman used to draw a sum of Rs. 270/- per month towards his salary at the time of his termination.

(3) On the other hand, it is the case of the management that the service certificate produced by the workman is forged. The workman never worked as casual labour under control of the 2nd respondent. It is false to allege that he worked for 258 days. The applicant never worked at Rajahmundry. He applicant was not engaged by the second respondent at any time and hence the question of termination does not arise. Since there is no record relating to the applicant in the office no reply is given to the registered notice. The applicant never worked even as a casual in the respondent and the application is bad for mis-joinder of the 1st respondent and he has nothing to do with the engagement of any casual labour much less the applicant. This is a false claim made by the applicant misleading the court and the same is to be rejected and the petition is liable to be set aside.

(4) On behalf of the workman, WW1 and 2 are examined and got marked Exs. W1 to W3. On behalf of the management MW1 is examined and Ex. M1 work orders file containing 181 pages are marked

(5) Heard both sides.

(6) The point that arises for consideration in the case is :

(1) Whether the petitioner worked as casual labour for about 258 days in the respondents ?

(2) Whether the termination of the services of the workman on 16-2-85 is illegal and whether the services of the petitioner are to be restored?

(7) Points 1 & 2 :- The case of the workman is that he worked as casual mazdoor when coaxial cable lines were being laid in June, 1984 under the telecom department at Rajahmundry and he continued as such at various places for more than 258 days. In support of the case he filed service certificate Ex. W1 issued by one Sri P. Sunder Rao who is later examined as MW1 on commission and who worked as Assistant Engineer in Coaxial cable project Rajahmundry from July, 1985 to September, 1987. Besides Ex. W1 the workman is also examined as WW1 and deposed that he joined in service on 9-6-1984 and his services were terminated in the year 1985. He was not given any notice before he is retrenched. Ofcourse, he issued a lawyer's notice and the office copy of which is Ex. W2 and W3 is the postal acknowledgement and no reply was given. It is suggested to this witness that this Ex. W1 is fabricated document and brought into existence for the purpose of this case and it is a forged one and that Sunder Rao did not issue the same. The workman also examined WW2, who used to maintain in tea stall near 4 roads junction and he witnessed the petitioner in laying the telephone wires. In the cross-examination he admitted that he do not know under whom and in whose office the petitioner used to work.

(8) So the case of the management is that the petitioner never worked as casual labour nor the certificate was issued by P. Sunder Rao the then Assistant Engineer and that Ex. W1 is a forged one. Ex. W1 did not bear any date.

(9) P. Sunder Rao who is said to have issued this Ex. W1 is examined as MW1. he deposed that the applicant had never worked under him as casual labour, the claim of the applicant that he worked under him from 16-6-84 to 16-2-85 is not correct and Ex. W1 certificate is not issued by him and the certificate is a forged one. During 1991-92 he worked at Hyderabad as Divisional Engineer in District Telecom Manager Office. He denied a suggestion put to him that he issued Ex. W1 certificate to the petitioner. He also deposed that Ex. M1 is the work orders issued by him and it contains the work order particulars and signatures, statements of mazdoors. Ex. M1 work order filed containing about 181 pages do not show that this workman worked as casual mazdoor.

(10) The learned counsel appearing for the workman contends that the court has got power to compare the signatures on Ex. W1 with that of the admitted signatures of P. Sunder Rao on his deposition. He came to the conclusion that this certificate Ex. W1 was issued by P. Sunder Rao. So far as the power of the court to compare the signatures is not in dispute. But, on comparison of

the signatures, as submitted by the workman's counsel, I see no similarities in the signatures of P. Sunder Rao on Ex. W1 and his deposition. Therefore under the circumstances much credence cannot be given to this Ex. W1.

(11) Further the case of the workman is that his services are terminated on 16-2-85 and he kept quite till he obtained the certificate Ex. W1 and after he got Ex. W1 certificate he issued lawyer's notice dated 29-6-88 i.e. for about 9 years, he kept quite. His case that he approached the management several times but he did not depose that fact even as WW1. Therefore, there is no acceptable evidence on the part of the workman to show that he worked as casual mazdoor under the second respondent. Hence I answer the point No. 1 in favour of the management and against the petitioner.

(12) In view of my findings on point No. 1, the question of restoration of the petitioner does not arise. No doubt, both the parties have urged that telecom department is not an industry. Now it is a settled law that the telecom department is an 'industry' under Sec 2(j) of the I.D. Act as it is engaged in commercial activity and is not discharging any sovereign functions of the State as laid down by the Apex Court in a decision reported between General Manager, Telecom Vs. S. Srinivasa Rao and others AIR 1998 SC 656. Therefore, much labour or exercise is not needed in deciding the said point.

(13) Further the learned counsel appearing for the workman contends that the workman was retrenched without any notice as contemplated under Sec. 25F of the I.D. Act. This contention has no force because the applicant in this case failed to establish that he is a workman under the respondent. Therefore, the application under Sec. 25F of the I.D. Act does not arise.

(14) In view of my aforesaid discussion on points 1 and 2 I answer both the points in favour of the management and against the petitioner.

(15) In the result, the petition is dismissed and nil award is passed. However, there is no order as costs and each party is directed to bear the own costs.

(Dictated to steno transcribed by her given under my hand and seal of the court this the 11th day of October, 2001.)

K. VEERAPU NAIDU, Presiding Officer

Appendix of evidence :

Witnesses Examined :

For Workman :

For management :

WW1 : M. Venkata Ramana

MW1 : P. Sunder Rao

WW2 : B. Rama Rao

Documents Marked :

For Workman :

Ex. W1 : Service certificate of the workman.

Ex. W2 : 29-6-99 : Registered Lawyer's notice issued to the management by the workman's advocate.

Ex. W3 : Postal acknowledgement and receipts.

For management :

Ex. M1 : Work orders file containing 181 pages.

नई दिल्ली, 20 नवम्बर, 2001

का.आ. 3405.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊदर्न रेलवे, चेन्नई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों, के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-41012/271/95-आई.आर. (बी. I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2001

S.O. 3405.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway, Chennai and their workman which was received by the Central Government on 19-11-2001.

[No. L-41012/271/95-IR(B.I.)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 12th October, 2001

PRESENT:

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 424/2001

(Tamil Nadu State Industrial Tribunal I.D. NO. 21/97)
(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri K. S. Suryanarayana and the Management of General Manager, Southern Railway, Chennai.)

BETWEEN

Sri K. S. Suryanarayana : I Party/Workman

AND

The General Manager, : II Party/Management
Southern Railway, Chennai.

Appearance:

For the Workman : Mr. S. Bakthavatsalu,
Authorised Representative

For the Management : Sri M. T. Arunan,
Advocate

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L-41012/271/95-IR(B-I) dated 05.03.1997.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 21/97. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 424/2001 and notices were sent to the authorised representative for the I Party/workman and the counsel for the II Party/Management on record, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 26.02.2001. On receipt of notice from this Tribunal, the authorised representative for the I Party/workman and the counsel for the II Party/Management present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 12.09.2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, upon hearing the arguments advanced by the learned authorised representative for the I Party/Workman and the learned counsel for the II Party/Management and this matter having stood over till this date for consideration, this Tribunal has passed the following: -

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudicating by this Tribunal is as follows:—

"Whether the action of retiring the disputant workman, Shri K.S.Suryanarayana, Group 'D' on superannuation at the age of 58 years by the General Manager, Southern Railway, Madras is justified? If not, to what relief is the workman entitled?"

2. The averments in the Claim Statement of the I Party/Workman are briefly as follows:-

The I Party/Workman Sri K.S.Suryanarayana (herein after refers to as Petitioner) was recruited in Southern Railway as Lascar and absorbed in a permanent vacancy in the Grain-shop department on Rs.35/- P. Murugesan with effect from 15-5-46 and confirmed. On

completion of eight years of continuous service, he was medical de-categorised from BB1 to CC1 group on 14-11-1954 and the Petitioner was reverted from Rs.40 to Rs.35 on lesser rate of pay and posted as peon without protecting the emoluments nor protected with an alternative post in the same emoluments. Thus, the II Party/Management/Southern Railway has violated the Rule No.2614 of Railway Establishment Manual. No enquiry was conducted or show cause notice was issued prior to the reversion, which is against the principles of natural justice. As per the award of Class IV promotion committee, the concerned workman was not granted the higher wages on completion of three years continuous service against the enhanced quota percentage of 33-1/3 of post reserved in higher grades, under Statutory Rule No. 189/IV of Railway Establishment Manual Vol.1. When the Second Pay Commission awarded the scale of Rs.80-220 for senior post of Peon with effect from 1-7-59 and the total service of 13 years from 1946 to 1959 was not taken into consideration for fixation of pay in revised scale of Rs. 115 on point to point formula prescribed by the Second Pay Commission. When the 3rd Pay Commission awarded Rs.260-400 for Senior Record Sorters according the channel of promotion, the junior most peon Mr. P. Rajagopal, who came on transfer on bottom seniority and ranking 106 in the seniority list was given accelerated promotion from 1-1-73 ignoring the Petitioner who is the senior in higher rank of 78 in seniority list. The Petitioner was not granted the stepping up of pay equivalent to that of his junior Sri P. Rajagopal under Rule 2017/R and 2018/R of Railways Establishment Code Vol.II. The Petitioner is a group D railway servant and his date of birth is 1-4-1925 and appointed to Railway Service on 15-4-46 prior to 1st December, 1962. He is entitled to serve up the age of 60 years under Rule 1801 (FR 56/B) of Railways Establishment Code Vol.II and the Petitioner was prematurely retired on 31-3-83 erroneously against the Statutory law on lesser terminal benefits. No notice was issued under sections 25N and 33(2)(B) of the Industrial Disputes Act, 1947 nor permission taken from the competent authority prior to removal. The matter was raised before the Central Conciliation Officer at Madras on 6-7-94 and the Respondent failed to give any reply nor contradicted to the relief prayed for by the Petitioner. The action of the General Manager to deny the benefits and to retire the Petitioner prematurely from 31-3-83 is wholly unjustified and illegal and the Petitioner is entitled to get the consequential benefits mentioned above under sections 2A and 2K of the Industrial Disputes Act and eligible for the difference of higher terminal benefits of pension, gratuity, leave salary, taking the total service from 15-4-46 to 13-3-1985 into consideration. Hence, it is prayed that the Tribunal may be pleased to set aside the orders of premature retirement and to extend all the benefits under the awards of Central Pay Commission

and higher terminal benefits as claimed to a total sum of Rs.1,75,847.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows: -

The II Party/Respondent/Management, Southern Railway (hereinafter refers to as Respondent) submits that the Petitioner Sri K.S. Suryanarayana raised similar claims before the Central Govt. Labour Court, Chennai vide CCP No. 66 of 1989 which was dismissed by the Hon'ble Labour Court. He had also raised the issue twice before the Regional Labour Commissioner, who had recorded a failure of conciliation report. Therefore, the Respondent submits that the petition is barred by the principles of res judicata and the Hon'ble Tribunal to dismiss the same solely on this ground alone. Moreover, the Petitioner was retired from service as per extant rules due to superannuation on reaching the age of 58 years on 31-3-83 he had raised the industrial dispute and after a lapse of more than a decade which is obviously a belated claim. Hence, the petition is liable to be dismissed on the ground of limitation. Hence, this Hon'ble Tribunal may be pleased to dismiss the petition as devoid of merit.

4. When the matter was taken up for enquiry, the authorised representative for the I Party/Petitioner and the counsel for the II Party/Management had consented for marking the documents on either side as Ex.W1 and M1 to M4. Neither party to the dispute has chosen to let in any oral evidence. The arguments advanced by the learned authorised representative for the I Party and the learned counsel for the II Party were heard.

4. The Point for my consideration is -

"Whether the action of retiring the disputant workman, Shri K.S. Suryanarayana, Group 'D' on superannuation at the age of 58 years by the General Manager, Southern Railway, Madras is justified? If not, to what relief is the workman entitled?"

Point:—

The Petitioner Sri K.S. Suryanarayana joined the Railways as Group 'D' on 15-4-46. At that time, the Respondent Railways was functioning as a company. In 1951 Southern Railway was formed. It is the admission of the Petitioner himself as WW1 that time he was given Rs.35 per mensem as his remuneration and subsequently after 8 years of service he was sent for medical examination. In the medical test, he was found fit for CC1 group. So he was not given promotion to the post of Kalasi of BB1 group from the post of Lascar, he was holding which was categorised as CC1 group. That was on 14.11.1954. So he was sent back to Grand-shop department to work in the same post of Lascar and his pay also was reduced from Rs. 40 to Rs.33. It is admitted that the Petitioner has already filed C.C.P. No. 96/86 before the Central Labour Court, Chennai. Ex.M1 is the xerox copy of the order passed in that case

dated 28-3-1990. It is seen from the Ex.M1 that the Petitioner has raised a plea in that case that he was not given stagnation increment he was entitled on 1-3-1976 itself and from 1-3-76 to 31-3-83, the date on which he retired from service, he is entitled to get Rs. 3,000 towards stagnation increment. He is entitled to get higher retirement benefits of Rs.1200 from 1-4-1993, as the Petitioner was retired from service on 31-3-1983. As per the contention of the Respondent, the Petitioner was given a promotion on 9-3-1983 itself and was given monthly salary of Rs. 250 and his basic pay was under the grade of Rs. 200 to Rs. 250. He retired from service on 31-3-1983. It was contended by the Respondent that when the Petitioner was retired from service on 31-3-1983, there was no question of stagnation increment for the Petitioner. It is also seen from that order that the order was passed by the Respondent/Management to give effect for the stagnation increment only from 7/83. It is found by the Court, as per that order, that since the Petitioner had retired from service on 31-3-83 itself, he is not entitled to get stagnation increment as claimed. Thus, the petition was dismissed by the Central Govt. Labour Court, Madras. In that petition, the Petitioner has not raised the plea that his pay was not properly fixed as per the 2nd and 3rd Pay Commission and he was entitled to retire from service at his age of 60 years on superannuation. Subsequently, the Petitioner has filed a case as CCP No.69/89 before the Central Govt. Labour Court, Chennai and it was ordered on 18-05-1994. The xerox copy of the same is Ex.M2. In that case, the contention of the Petitioner is that his pay was not properly fixed as per the 2nd Pay Commission and 3rd Pay Commission. In that case also, he has not claimed that he is entitled to retire from service at the age of 60 years on superannuation. It is seen from the order Ex.M2, that the Court was pleased to hold that the Petitioner is not entitled for the benefits claimed as he has retired from service on 31-3-83 itself. The order for giving stagnation increment to eligible persons came into force only on 1-7-1983. Ex.M2 is the xerox copy of the order passed by the Central Govt. Labour Court, Chennai in C.C.P.No.69/89 on 18-5-1994. In that order itself, the Hon'ble Central Govt. Labour Court, Chennai had held that the Petitioner not entitled for the relief claimed there in the petition. In the petition filed by the Petitioner under section 33C (2) of Industrial Disputes Act, 1947, claiming computation of certain monetary benefits due to him from the Respondent also, it is not his plea that he has prematurely retired at the age of 58 years and he was entitled to retire from service at the age of 60. He has stated in that petition that the fixation of pay as per 2nd and 3rd Pay Commission on the post he was holding at that relevant time was not proper and he is entitled to be fixed at much higher level. The contention was not accepted by the Court and the relief prayed for by the Petitioner in that petition was not granted and the petition

was dismissed. So, this aspect of fixation of pay has already been considered by a competent Court under Ex.M2. As it is contended by the Respondent/Management, it operates as res judicata for this case also. It cannot be denied.

5. The next contention of the Petitioner that he was retired from service as per the extant rules before he attains the age of 60 years. The action of the Management in retiring the Petitioner from service on superannuation at his age of 58 years is unjustified. Admittedly, he has not raised this plea in his previous cases filed before the Labour Court as well as before the Central Administrative Tribunal. In the year 1995, when he raised a dispute before the Regional Labour Commissioner (C) Chennai, as it is seen from Ex.M3, xerox copy of the failure report of Regional Labour Commission, Chennai, he has raised this dispute. At that time itself, the Respondent/Management has contended before the Regional Labour Commissioner (Central), Chennai that it is a highly belated plea raised after a decade and the Petitioner has not filed any substantive evidence before the Regional Labour Commissioner, Chennai itself to show his actual date of birth and to prove that he attains his age of 60 years only two years later than the date on which he has been retired from service by the Respondent/Management. Here, in this case also he has not stated about his date of birth and his actual date on which he attains the age of 60 years of age. It is not disputed that the Petitioner has made this plea only after a lapse of a decade period and it is a stale claim. Admittedly, the past records are not available with the Respondent/Management due to destruction after the prescribed time to verify whether the claim made by the Petitioner about his date of superannuation is correct or incorrect. Under such circumstances, as it is contended by the Respondent counsel that the relief claimed by the Petitioner in respect of his age of superannuation cannot be decided now. So, the action of the Management in retiring the Petitioner from service on 31-3-1983 cannot be considered as a premature retirement of the Petitioner from service. Under such circumstances, it cannot be held that the action of the management of Southern Railway in retiring the Petitioner from service on 31-3-1983 is unjustified. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the action of the General Manager, Southern Railway, Madras in retiring the petitioner/workman Sri K.S. Suryanarayana Group 'D' from service at his age of 58 years is justified. Hence, the concerned workman is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 12th October, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined:

For the I Party/Workman : WW1 Sri K. Suryanarayana
 For the II Party/Management : MW1 Shri H. Prithiviraj
 Documents Marked

For the I Party/Workman

Ex. No.	Date	Description
WI	31.12.83	Xerox copy of the office order No. 311/83 of Assistant Personnel Manager.

For the II Party/Management

Ex.No.	Date	Description
MI	28.03.90	Xerox copy of the order of CGIT Cum Labour Court Chennai in CCP No.96/86
M2	18.05.94	Xerox copy of the order of CGIT Cum Labour Court, Chennai in CCP NO.69/89.
M3	05.12.95	Xerox copy of the Conciliation failure report sent By the Regional Labour Commissioner (C) Chennai.
M4	18.06.87	Xerox copy of the order of Central Administrative Tribunal, Chennai in Transfer Application No.342/86.

नई दिल्ली, 20 नवम्बर, 2001

का.आ. 3406.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मलाज खंड कॉपर प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-43011/9/85-डी. 3(बी)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th November, 2001

S.O. 3406.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Malajkhand Copper Project and their workman, which was received by the Central Government on 19-11-2001.

[No. L-43011/9/85-D. 3 (B)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL CUM-LABOUR COURT,
 JABALPUR

Case No. CGIT/LC/R/82/89

PRESIDING OFFICER: SHRI K. M. RAI

Sri Ishwar Dayal
 Shri Durga Prasad Bhisem
 Sirdu Singh
 Gyan Singh
 Pachloo Singh
 Nehru Lal
 through Copper Mines Workers Union (INTUC)
 PO Malajkhand,
 Distt. Balaghat (MP) Applicant
 versus

The General Manager,
 Malajkhand Copper Project,
 Hindustan Copper Ltd.,
 Malajkhand Copper Project,
 P.O. Malajkhand
 Distt. Balaghat Non-applicant

AWARD

Passed on this 5th day of November-2001

1. The Government of India, Ministry of Labour vide order No. L-43011/9/85-D.III(B) dated 7-4-89 has referred the following disputes for adjudication by this tribunals:

“Whether the action of the management of Malajkhand Copper Project of WEL PO Malajkhand Distt. Balaghat in dismissing the services of Shri Ishwardayal, Durga Prasad Bhisem, Sirdu Singh, Gyan Singh, Pachloo Singh and Nehrual Mazdoors w.e.f July 87 is justified. If not, what relief are the concerned workmen entitled to?”

2. The case for the Union is that during the year 1975-1980 Hindustan Copper Limited (Malajkhand copper project) acquired the agricultural lands of his agriculturists for mining operations. The Bhoomi Swamy of the acquired lands were paid compensation by the management. At the time of acquiring the agricultural lands, the agreement was arrived between the land owners and the Hindustan Copper Project that the employment will be provided to the dependents (family members) of the land owners whose lands were acquired for mineral exploration.

In the agreement, there was no such stipulation that only real sons of the land owners will be provided employment. The employment was to be given to the dependents of the land owners.

3. It has been further alleged by the Union that the Hindustan Copper Limited (Malajkhanda Copper Project) acquired the agricultural lands of Shri Anantram, Dayaram, Bhuddu Ginge Singh, Charan Singh and Pouni. The workmen Ishwar Dayal, Durga Prasad, Sirdu Singh, Gyan Singh, Pachloo Singh and Nehrulal are the dependents of Anantram, Dayaram, Bhuddu, Ginge Singh, Charan Singh and Pouni respectively. As per agreement, the owners offered their dependents for giving employment by the Malajkhanda Copper Project. As per terms and conditions of the agreement, the management employed Shri Ishwardayal, Durga Prasad, Sirdu Singh, Gyan Singh, Pachloo Singh and Nehrulal w.e.f. 18-9-79, 12-11-79, 29-3-82, 22-12-79, 7-1-79 and 25-1-78 respectively. The workmen were given employment after verification of their records by the management. The management was fully aware of the fact that the workmen were the dependents of the landowners and not their real sons.

4. It has been further alleged by the Union that the management served the workman with chargesheet alleging that they had committed misconduct by giving false information in respect to the name of their father. They submitted reply to the chargesheet which was not found to be satisfactory by the management. The management conducted DE against the workmen for committing the alleged misconduct during the course of enquiry. Ample opportunity was not given to him by the Enquiry Officer to establish their defence. The Enquiry Officer conducted the enquiry in a biased manner. They were not allowed to adduce defence witnesses to substantiate their claim before the Enquiry Officer. The entire enquiry was conducted in violation of rules and principles of natural justice. The Enquiry Officer wrongly held the charges proved against the workmen. The Disciplinary authority illegally accepted the report of Enquiry Officer and passed the order of dismissal against them. The management therefore reinstated the workmen and they were given fresh appointments to the post of mazdoor on 18-9-85. Giving fresh appointment to the workmen goes to show that the management had waived the punishment imposed on the workmen. The workmen continuously worked till 15th July, 1987. They were not given any retrenchment compensation according to the provisions of Sec 25 F of the I.D. Act, 1947. Before terminating the services w.e.f. 15-7-87, no departmental enquiry was conducted against them. The order of termination passed by the management is illegal and deserves to be quashed. The workmen are entitled to reinstatement with back wages.

5. The case for the management is that the Malajkhanda Copper Project of Hindustan Copper Limited has acquired some agricultural lands from various land owners for mining operations from year 1973 onwards. The compensation was paid to the land owners as per

mutual agreement. At the time of acquisition of land agreement was made between the management and the land owners that the management shall give employment to one direct dependent of the displaced family. The workman in this case secured employment from the management by presenting themselves as dependents of the displaced persons whose land was acquired. It was not in the knowledge of the management that the workmen were not the real dependents of the displaced persons. After some time, the sons of the displaced persons made complaint against the workmen for securing employment by giving false declaration in respect to their being dependents of the displaced persons whose lands were acquired. The vigilance enquiry was conducted by the management and it was found that the workmen had given false information in respect to their being dependent of the displaced persons. After this enquiry, the chargesheet was served on the workmen and their reply was obtained.

6. The management further alleged that the reply of the workmen were not found to be satisfactory and therefore the DE was conducted against them. They were given ample opportunity to defend their case before the Enquiry Officer. They fully participated in the enquiry proceedings. The Enquiry Officer had given opportunity to the workmen to adduce the evidence in support of their defence. After carefully examining the facts and circumstances of the record, the Enquiry Officer rightly held the charges proved against the workmen. The Disciplinary Authority accepted this report and dismissed the services of the workmen in a lawful manner. During the enquiry, it was found that the workmen had given forged documents to secure employment. The enquiry was conducted in a just and fair manner. The imposition of punishment of termination from service is proportionate to the circumstances of the case. The workmen had deliberately given wrong information regarding the displaced persons being their father. In this way the workmen had exercised fraud by the management in securing employment and therefore they are not entitled to reinstatement with back wages.

7. The following issues arise for decision in this case and my findings thereon are noted hereinafter:—

1. Whether the DE conducted against the workmen is just and proper?
2. Whether the management is entitled to lead evidence to prove the alleged misconduct of the workmen.
3. Whether the management had illegally terminated the services of the workmen?
4. Whether the workmen are entitled to reinstatement with back wages?
5. Relief and costs?
8. Issues No. 11&22:

The workmen Sirdu Singh, Gyan Singh Pachloo Singh and Nehru Lal have examined themselves before this court to prove their claim. Shri Sukhram and Ramlal Mahar have been examined as independent witnesses on behalf of the workmen. These two witnesses have no knowledge about the DE conducted by the management against the workmen. The said workmen had not stated specifically that the DE conducted against them by the management is improper. They never deposed in a specific term that the Enquiry Officer had not given them ample opportunity to defend this case properly before him. On the contrary, they have no grievance regarding the procedure adopted by the Enquiry Officer conducting the DE. At the same time there is nothing on the report that the Enquiry was not conducted in a just and proper manner and the workmen had no opportunity to defend their case in an effective manner. From the record no prejudice appears to have been caused to the workmen by the procedure adopted in the Enquiry Officer. In view of all these facts it is not established that the enquiry has been conducted in an unfair manner. It is therefore held that the enquiry conducted against the workmen is just and proper and therefore the management is not required to lead any further evidence to prove the alleged misconduct of the workmen. Both these issues are answered accordingly.

9. Issues No. 3 & 4 :

The workmen has clearly admitted that they are not the real sons of the displaced persons whose lands have been acquired by the management for mining operation. They claimed to be relatives of the land owners whose lands have been acquired. During the enquiry proceedings also the workmen never put forth that they were the near relatives of the displaced persons who had either adopted him or had authorised the management to give them employment in lieu of their land acquired for mining operations. For the first time, the workmen had introduced their defence before this court. As per agreement only dependents of the displaced persons were to be given employment and not the relatives. In this way the workmen secured employment by giving false information to the management claiming themselves to be the dependent of the displaced persons.

10. The aforesaid facts go to show that the workmen have secured employment by giving false information regarding their parentage to the management. They were not the real dependent of the land owners whose lands have been acquired by the management for the purposes of mining operations. Due to this fact subsequently the real sons of some displaced persons made complaint to the management and the Enquiry was initiated by the management. Ultimately it was detected that the workmen were not the real dependents of the displaced persons and therefore they are not entitled to get employment as per agreement.

Getting employment by adopting unfair means shall not entitle them to be reinstated as claimed by them. They are also not entitled to get any monetary benefits in this case. Issues No. 3 & 4 are answered accordingly.

11. Issue No. 5:

On the reasons stated above, it is held that the workmen were rightly dismissed from service by the management. Initially they had no authority to get employment as dependents of the displaced persons whose were acquired by the management for mining operations. They are also not entitled to get any monetary benefits claimed by them. The reference is accordingly answered in favour of the management and against the workmen.

12. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K.M. RAI, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2001

का.आ. 3407.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मलाजखंड कॉपर प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-43011/10/88-डी. III (बी)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th November, 2001

S.O. 3407.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Malajkhand Copper Project and their workman, which was received by the Central Government 19-11-2001.

[No. L-43011/10/88-D.III (B)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

Case No. CGIT/LC/R/60/89

PRESIDING OFFICER: SHRI K. M. RAI

Sri Bipat Singh
Shri Kuman Singh

Shri Toofan Singh
 Shri Ram Singh
 through Copper Mines Workers Union (INTUC)
 Distt., Balaghat Applicant

Versus

The General Manager,
 Malajkhand Copper Project,
 PO Malajkhand
 Distt. Balaghat

Non-applicant

AWARD

Passed on this 5th day of November, 2001

1. The Government of India, Ministry of Labour vide order No. L-43011/10/88-D.III(B) dated 8-3-89 referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Malajkhand Copper Project of Hindustan Copper Ltd. PO Malajkhand Distt. Balaghat in dismissing Shri Bipat Singh, Kuman Singh, Toofan Singh Marwari and Ram Singh from service w.e.f. Jan./Feb. 86 is justified. If not, what relief are the concerned workmen entitled to?”

2. The case for the Union is that during the year 1975—1980 Hindustan Copper Limited (Malajkhand Copper Project) acquired the agricultural lands of the agriculturists for mining operations. The Bhoomi Swamy of the acquired lands were paid compensation by the management. At the time of acquiring the agricultural lands, the agreement was arrived between the land owners and the Hindustan Copper Project that the employment will be provided to the dependents (family members) of the land owners whose lands were acquired for mineral exploration.

In the agreement, there was no such stipulation that only real sons of the land owners will be provided employment. The employment was to be given to the dependents of the land owners whose lands were acquired.

3. It has been further alleged by the Union that as per terms and conditions of the agreement, for giving employment to the family members, the workman Bipat Singh, Kuman Singh, Toofan Singh and Ram Singh applied to the Malajkhand Copper Project for giving employment to them. At the time of acquisition of the land, the workman were cultivating the lands of their uncle or their maternal uncle or grand father. After the acquisition of the land, the workman become unemployed. Accordingly Shri Bhansilal Maternal uncle of workman Bipat Singh, Shri Samharu Singh, maternal uncle of Shri Kuman Singh offered to give employment to them. Likewise Shri Bhagloo offered

employment to his adopted son Toofan Singh and Shri Charku offered employment to his adopted son Ramsingh in Malajkhand Copper Project. At the time of giving employment the management had the knowledge that the workmen were the close relatives and adopted sons of the persons whose lands were acquired by the management. The father's name of the workman were not entered in the appointment letter issued by the management. The father of workman Kuman Singh died after the birth of Ram Singh and he was adopted by his maternal uncle Charuk whose lands were acquired. After making verifications, the management was satisfied and gave the employment to the workman. The workman continued to serve till 1986 when their services were terminated. The real land owners had permitted the management to acquire their lands with a condition that the workmen would be given employment under displaced persons category. The management had accepted it. Thereafter the workman had been given employment according to the terms of agreement. No fraud was committed by them. At the time of giving employment, the management had obtained the signature of workmen on plain paper.

4. It has been further alleged by the Union that the management served the workman with chargesheet alleging that they had committed misconduct by giving false information in respect to the name of their father. They submitted reply to the chargesheet which was not found to be satisfactory by the management. The management conducted DE against the workmen for committing the alleged misconduct during to course of enquiry. Ample opportunity was not given to them by the Enquiry Officer to establish their defence. The Enquiry Officer conducted the enquiry in a biased manner. They were not allowed to adduce defence witnesses to substantiate their claim before the Enquiry Officer. The entire enquiry was conducted in violation of rules and principles of natural justice. The Enquiry Officer wrongly held the charges proved against the workmen. The Disciplinary authority illegally accepted the report of Enquiry Officer and passed the order of dismissal against them. The management therefore reinstated the workmen and they were given fresh appointments to the post of mazdoor on 1985. Giving fresh appointment to the workmen goes to show that the management had waived the punishment imposed on the workmen. The workmen continuously worked till 15th July 1987. They were not given any retrenchment compensation according to the provisions of Sec 25 F of the I.D. Act, 1947. Before terminating the services w.e.f. 15-7-87. No departmental enquiry was conducted against them. The order of termination passed by the management is illegal and deserves to be quashed. The workmen are entitled to reinstatement with back wages.

5. The case for the management is that the Malajkhand Copper Project of Hindustan Copper Limited has acquired some agricultural lands from various land owners for mining operations from year 1973 onwards. The compensation was paid to the land owners as per mutual agreement. At the time of acquisition of land agreement was made between the management and the land owners that the management would give employment to the direct dependent of the displaced family. The workmen in this case secured employment from the management by presenting themselves as dependents of the displaced persons whose lands were acquired. It was not in the knowledge of the management that the workmen were not the real dependents of the displaced persons. After some time, the sons of the displaced persons made complaint against the workmen for securing employment by giving false declaration in respect to their being dependents of the displaced persons whose lands were acquired. The vigilance enquiry was conducted by the management and it was found that the workmen had given false information in respect to their being dependent of the displaced persons. After this enquiry, the chargesheet was served on the workmen and their reply was obtained.

6. The management further alleged that the reply of the workmen were not found to be satisfactory and therefore the DE was conducted against them. They were given ample opportunity to defend their case before the Enquiry Officer. They fully participated in the enquiry proceedings. The Enquiry Officer had given opportunity to the workmen to adduce the evidence in support of their defence. After carefully examining the facts and circumstances of the record, the Enquiry Officer rightly held the charges proved against the workmen. The Disciplinary Authority accepted this report and dismissed the services of the workmen in a lawful manner. During the enquiry, it was found that the workmen had given forged documents to secure employment. The enquiry was conducted in a just and fair manner. The imposition of punishment of termination from service is proportionate to the circumstances of the case. The workmen had deliberately given wrong information regarding the displaced persons being their father. In this way the workmen had exercised fraud by the management in securing employment and therefore they are not entitled to reinstatement with back wages.

7. The following issues arise for decision in this case and my findings thereon are noted hereinafter:—

1. Whether the DE conducted against the workmen is just and proper?

2. Whether the management is entitled to lead evidence to prove the alleged misconduct of the workmen?

3. Whether the management had illegally terminated the services of the workmen?

4. Whether the workmen are entitled to reinstatement with back wages?

5. Relief and costs?

8. Issues No. 1 and 2.

The workmen Shri Bipat Singh, Kuman Singh, Shri Toofan Singh and Shri Ram Singh have examined themselves before this court to prove their claim. Shri Ramlal Mahar has been examined as independent witness on behalf of the workmen. He is not aware of any DE conducted against the workmen. He has also stated that none of the workmen had informed him that the enquiry was conducted against him in an improper manner. They never deposed in a specific term that the Enquiry Officer had not given them ample opportunity to defend their case properly before him. On the contrary, they have no grievance regarding the procedure adopted by the Enquiry Officer conducting the DE. At the same time there is nothing on the report to show that the Enquiry was not conducted in a just and proper manner and the workmen had no opportunity to defend their case in an effective manner. From the record no prejudice appears to have been caused to the workmen by the procedure adopted by the Enquiry Officer. In view of all these facts it is not established that the enquiry has been conducted in an unfair manner. It is therefore held that the enquiry conducted against the workmen is just and proper and therefore the management is not required to lead any further evidence to prove the alleged misconduct of the workmen. Both these issues are answered accordingly.

9. Issues No. 3 and 4

The workmen has clearly admitted that they are not the real sons of the displaced persons whose lands have been acquired by the management for mining operation. They claimed to be relatives of the land owners whose lands have been acquired. During the enquiry proceedings also the workmen never put forth that they were the near relatives of the displaced persons who had either adopted him or had authorised the management to give them employment in lieu of their land acquired for mining operations. For the first time, the workmen had introduced their defence before this court. As per agreement only dependents of the displaced persons were to be given employment and not the relatives. In this way the workmen secured employment by giving false information to the management claiming themselves to be the dependent of the displaced persons.

10. The aforesaid facts go to show that the workmen have secured employment by giving false

information regarding their parentage to the management. They were not the real dependents of the land owners whose lands had been acquired by the management for the purposes of mining operations. Due to this fact subsequently the real sons of some displaced persons made complaint to the management and the Enquiry was initiated by the management. Ultimately it was detected that the workmen were not the real dependents of the displaced persons and therefore they are not entitled to get employment as per agreement. Getting employment by adopting unfair means shall not entitle them to be reinstated as claimed by them. They are also not entitled to get any monetary benefits in this case. Issues No. 3 and 4 are answered accordingly.

11. Issue No. 5

On the reasons stated above, it is held that the workmen were rightly dismissed from service by the management. Initially they had no authority to get employment as dependents of the displaced persons whose lands were acquired by the management for mining operations. They are also not entitled to get any monetary benefits claimed by them. The reference is accordingly answered in favour of the management and against the workmen.

12 Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K.M. RAI, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2001

का.आ. 3408.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-30012/23/98-आईआर(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th November, 2001

S.O. 3408.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management O. N. G. C. and their workman, which was received by the Central Government 19-11-2001.

[No. L-30012/23/98-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE SMT. N. J. SHELAT, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CENTRAL, AHMEDABAD

Reference (ITC) No. 111 of 1999

ADJUDICATION

BETWEEN :

The group General Manager, ONGC Ltd.,

M/s. Parishram Labour Co-op. Society Ltd. . . First Party

AND

The workman employed under it. . . Second Party

In the matter of demand for reinstatement of Shri Pravin Makwana, Electric helper w.e.f. 1-5-97 with full back wages and continuity of service, etc.

APPEARANCES :

None for the Second Party.

AWARD

By an order No. L-30012/23/98/IR(M) dated 20th, April, 1999, the Desk Officer, Ministry of Labour, Government for India, Shram Shakti Bhawan, Rafi Marg, New Delhi has referred an industrial dispute for adjudication as stated in the Schedule of above order between the above parties in exercise of powers conferred u/s. 10(1) of the Industrial Disputes Act, initially, to the Industrial Tribunal of Shri B.I. Kazi and thereafter, finally, it was transferred to this Tribunal by an appropriate order of the Government.

In spite of services of notice, the Second Party-concerned workman failed to remain present before this Tribunal and, therefore, the matter was adjourned from time to time in order to afford an opportunity to him to proceed with the matter. However, ultimately, the matter was fixed for hearing on 24-10-2001 and when the matter was called out, none remained present on behalf of the Second Party. From this, it is quite clear that the Second Party is not interested to proceed with this matter and, therefore, this Tribunal has been left with no other alternative but to dismiss the present reference. In the result, I pass following order :—

ORDER

The reference is dismissed for want of prosecution and it is disposed of accordingly with no order as to costs.

N. J. SHELAT, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2001

का. आ. 3409.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 प्राप्त हुआ था।

[सं. एल-33012/12/91-आई आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th November, 2001

S.O. 3409.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Madras Port Trust and their workman, which was received by the Central Government on 19-11-2001.

[No. 33012/12/91-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT,
CHENNAI

Wednesday, the 24th October, 2001

PRESENT : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE No. 446/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 84/97)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri K. Thangaraj and the Management of Madras Port Trust, Chennai.)

BETWEEN

Sri K. Thangaraj : I Party/Workman

AND

The Chairman, : II Party/Management
Madras Port Trust, Chennai

Appearance :

For the Workman : M/s. R. Ganesan,
Mr.R.Rengaramanujam,
Advocates

For the Management : Mr. R. Arumugam &
N. Krishnakumar,
Advocate

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L/33012/12/91-IR(Misc) dated 12-5-1992.

This Industrial dispute was originally referred to CGIT Cum Labour Court, Bangalore, for adjudication. Later as per the order of Govt. of India, Ministry of Labour this has been withdrawn from the file of CGIT-Cum-Labour Court, Bangalore and has been transferred to the file of Tamil Nadu State Industrial Tribunal and on receipt of records it was taken on file as I.D. No. 84/97. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from the Tamil Nadu State Industrial Tribunal, the case has been taken on file as I.D. No. 446/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 27-2-2001. On receipt of notice from this Tribunal, the counsel on either side present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 17-9-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, upon perusing the oral and documentary evidence let in on either side, upon hearing the arguments advanced by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order or reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the Management of Madras Port Trust, is justified in discharging Shri K. Thangaraj, Mazdoor P. No. 3302 of G. No. : 45 from this services with effect from 13-9-1988 ? If not to what relief the workman is entitled ?”

2. The facts of this industrial dispute between the parties are briefly as follows :—

The I Party/Workman Sri K. Thangaraj (hereinafter refers to as Petitioner) was engaged in the II Party/Management/Madras Port Trust (hereinafter refers to as Respondent) as shore Labour in the Traffic Department from 10-6-80. Subsequently, he was appointed as shore labour mazdoor in the same department from 1-7-1982. Throughout a chronic absentee, he was continuously

absent from duty with effect from 17-4-1987 onwards. Therefore, the Respondent issued memo dated 15-6-1987, 10-8-87, 8-9-87, 23-9-87 and 9-12-87 calling upon the Petitioner to resume duty. Those memos were sent to his last known residential address by Registered Post with acknowledgment due. The Petitioner has acknowledged the receipt of memos dated 10-8-87, 23-9-87 on 14-8-87 and 26-9-87 respectively. In spite of that the Petitioner has not sent any reply and he did not turn up for duty. Then a charge memo dated 29-1-88 was issued to the Petitioner on 2-2-1988, but he has failed to submit his explanation. Then the Respondent/Management has conducted a domestic enquiry by appointing the Deputy Traffic Manager as Enquiry Officer. In spite of various memos sent to the Petitioner directing him to attend the domestic enquiry, he did not attend the domestic enquiry. The Enquiry Officer concluded the enquiry as ex-parte and submitted his findings holding that the charge framed against the Petitioner was proved beyond any doubt. Then Disciplinary Authority issued a show cause notice dated 14-6-1988. Even for that the Petitioner did not respond. For the personal hearing afforded by the Disciplinary Authority also, the Petitioner did not turn up. The Petitioner has neglected all the opportunities extended to him, hence the Respondent passed the final order dated 18-3-89 discharging the Petitioner from Trust's service with effect from 17-4-1987 from the date of the Petitioner stayed away from duty unauthorisedly without obtaining prior sanction of leave. The petitioner has raised this industrial dispute challenging the Respondent's action in discharging the Petitioner from the services of the Respondent as unjustified. It is the contention of the Petitioner in his Claim Statement that due to acute stomach ache he was admitted in the Madras Port Trust Hospital in 1986 and he was operated upon for appendicitis. Thereafter his health was not improved and he was continuously taking treatment in the Madras Port Trust Hospital. Because of his ailment he could not attend to his duties regularly. Because of his ailment and family problems his wife left him and was living with her parents. His ailment and the desertion of his wife caused him mental agony and he lost his balance of mind and his brothers took to a Psychiatric for treatment for his mental illness from April, 1987. His Mother and brothers intimated to the Port Trust about his condition of health during 1988 itself. But this was not taken into account and a charge memo was issued to the Petitioner for his unauthorised absence. An ex-parte enquiry into the above charge of unauthorised absence was conducted by the Respondent and held that the charge framed against him as proved. Based on the ex-parte enquiry report i.e. the findings, the Petitioner was discharged from the service by the Respondent by its order dated 18-3-1989. Immediately, the Petitioner's Mother wrote to the Respondent about the health condition of the Petitioner and prayed for mercy. The Petitioner also represented to

the Respondent that he had recovered from his mental illness and he is fit to join duty. All these representations were not considered at all. The Petitioner's representation to the Govt. was forwarded to the Chairman of the Madras Port Trust and he by his letter dated 28-12-1989 without applying his mind confirmed the punishment of discharge. The Respondent had not referred the Petitioner to the medical board to verify the veracity of the Petitioner's statement. He could not attend the enquiry because of mental ill health. Hence, the action of the Respondent/Management is arbitrary, illegal and is liable to be set aside.

3. The Respondent/Management in the Counter Statement has alleged that there is nothing to show that the Petitioner had undergone Appendicitis operation in the Trust Hospital. He had not produced any medical certificate from the Trust Hospital with regard to his hospitalisation. Communication by any means has been received with regard to the Petitioner's alleged mental instability and health condition ever since his unauthorised absence from duty with effect from 17-4-1987 onwards. The Respondent has not received any representation from the Petitioner's Mother about the Petitioner's ill health. The certificate dated 24-5-1991 submitted by the Petitioner, that too after four years of his discharge from Trust's service w.e.f. 17-4-1987 cannot be taken into consideration. The Petitioner himself had acknowledged the receipt of Registered Post. The Petitioner himself has put his signature on the postal acknowledgment card for the receipt of Tapal sent by the Respondent. He cannot said to be mentally instable. The medical certificate submitted by the Petitioner cannot be relied upon. The Doctor has been issued the certificate is not the one, the Petitioner has mentioned in the earlier correspondence. The Petitioner's certificate is only an afterthought exercise of the Petitioner. If this Tribunal comes to the conclusion that the domestic enquiry conducted against the Petitioner is not fair and proper or the finding is perverse, then this Hon'ble Tribunal may be pleased to give liberty to the Respondent to lead fresh oral and documentary evidence before this Tribunal to prove the charges against the concerned workman. The Respondent has followed all the procedures before passing the final order against the Petitioner. The action of the Respondent is proper and fair. The Petitioner has not put forth any grievance over the findings of the enquiry in his Claim Statement because he is at fault. This Tribunal may be pleased to dismiss this dispute.

4. When the matter was taken up for enquiry, the petitioner/workman Sri K. Thangaraj had examined himself as WW1. 13 documents were marked on the side of the Petitioner as Ex. W1 to W13. The II Party/Management has examined one witness. He is working as an Administrative Officer in Madras Port Trust and 16 documents have been marked on the side of the

Management as Ex. M1 to M16. The learned counsel on either side have advanced their respective arguments.

5. The Point for my consideration is—

“Whether the Management of Madras Port Trust, is justified in discharging Shri K. Thangaraj, Mazdoor P. No. 3302 of G.No. 45 from his services with effect from 13-09-1988? If not to what relief the workman is entitled?”

Point :—

This is an industrial dispute raised by the Petitioner questioning the validity of the action taken by the Respondent/Management. Madras Port Trust in discharging him from service w.e.f. 17-4-1987 by an order dated 18-3-1989. It is admitted that the Petitioner was first engaged as a rank casual by the Respondent/Management in the Port Trust from 10-6-1980 and later he was appointed as Shore Labour Mazdoor from 1-7-1982. The Petitioner as WW1 has deposed that he was working as mazdoor in Traffic Department in Madras Port Trust from June, 1980 and that after four or five years he got severe stomach pain and underwent an appendicitis in the Harbour hospital. It is his further evidence after his marriage in 1983 due to his ill health and due to the worries in his married life, he was affected mentally and it got aggravated and that he took medical treatment for his ailment and because of that he couldn't go for work. Ex.W1 is the xerox copy of the discharge certificate of the Madras Port Trust hospital pertaining to the Petitioner. From this, it is seen that during October, 1985 he underwent an appendicitis operation and was found to fit for work on 30-4-1986. It is the further evidence of the Petitioner that his brother Mr. Balaraman informed the Traffic department at Madras Port Trust by a letter sent by Certificate of Posting that he (petitioner) was taking treatment for his mental illness. He has also filed xerox copy of that letter as Ex. W2 and the Certificate of Posting xerox copy as Ex. W3. It is seen from the postal seal that one such letter was sent by certificate of Posting on 2-9-88. Ex.W2 doesn't contain any date. He has also admitted that the Traffic Manager, Madras Port Trust issued him a show cause notice for his absence for duty and the xerox copy of that memo is Ex. W4. In that memo it is stated that the Petitioner was given a memo dated 6-5-87 to resume for duty forthwith, with a written explanation for his continuous absence from duty from 17-4-87 and since he has not sent any reply till 19-1-1988 for his chronic unauthorised absence, the charge has been framed against him and he was directed to show cause as to why disciplinary action should not be taken against him as per the Standing Orders for his unauthorised absence from duty from 17-4-87. He has also admitted in his evidence that he received another communication from the Traffic Manager dated 24-3-88 under Ex. W5 about the appointment of Enquiry Officer

for conducting an enquiry and he was issued a charge memo dated 14-6-88 for his unauthorised absence from duty from 17-4-87. The xerox copy of the same is Ex. W6. On the side of the management, Administrative Officer working in Madras Port Trust has been examined as MW1. It is her evidence that for the continuous unauthorised absence for duty from 17-4-87 by the Petitioner, a memo dated 6-5-87 under Ex. M1 was issued to the Petitioner informing him to report for duty immediately. As the Petitioner has not responded for the same, the management has issued memos dated 11-6-87, and 10-08-87. The xerox copy of the same are Ex. M2 and M3 respectively. Ex.M4 is the xerox copy of the postal acknowledgement card for the memo received by the petitioner he received it on 14-8-87. An another memo was also sent on 8-9-87 and the xerox copy of the same is Ex.M5. Later the management has sent a letter on 23-9-87 under Ex. M6. It was received by the petitioner on 26-9-87 under Ex M7. Then another letter was sent on 9-12-87 under Ex. M8. Ex. M1 memo dated 6-5-87 and Ex.M8 show cause notice dated 9-12-87 have been referred in Ex. W4 show cause notice dated 19-1-1988. The charge memo under Ex.W4 was received by the petitioner under Ex.M9 on 2-2-88 but he did not submit any explanation. Then disciplinary action was initiated and a notice was sent to him under Ex W5. It is dated 24-3-88. He received that notice under Ex.M10 acknowledgement on 28-3-1988. Another notice was sent on 29-3-88. The xerox copy of the same is Ex.M11. Then, as per the notice, the enquiry was conducted. Ex.M12 series of the proceedings of the departmental enquiry dated 6-4-88, 14-4-88 and 30-04-88. In spite of all these things, the petitioner did not appear for the enquiry. Then the Enquiry Officer has submitted his finding under Ex. M13 holding that in ex-parte enquiry conducted by him, the charges framed against the Petitioner had been proved. Then the Respondent issued a memo dated 14-6-88 for the petitioner's personal hearing. A xerox copy of the same is Ex.W6. Even for that the petitioner has not submitted any explanation. Then the final order has been passed by the Traffic Manager discharging the petitioner from service of the Respondent w.e.f. 17-4-87. The xerox copy of the order is Ex. M15. All these things have been spoken to by MW1 in her evidence. Ex.W10 is the xerox copy of the communication sent to the petitioner by Respondent about the punishment imposed on him. Subsequently, the Petitioner's Mother Mrs. Kannammal had made a representation to the Chairman, Madras Port Trust for which the mother of the Petitioner was informed through letter dated 3-5-89 under Ex.W11 stating that his son's happens to be chronic unauthorised absentee there was no other alternative than to remove the name of her son from the rolls and there is no case for reinstatement to her son in the Respondent/Madras Port Trust. The Respondent had also sent a letter dated 30-5-89 under Ex.M16 to the Petitioner to call at the office to for settlement of his accounts.

6. It is the contention of the Petitioner from the evidence of WW1 that he was admitted in the mental hospital for treatment and at that time the Respondent had conducted an exparte enquiry and discharged him from service. If it is a fact, the Petitioner would not have received the various communications sent to him about his unauthorised absence by the Respondent/Management, the documents filed on the side of the Management as acknowledgement shows that he had received those communications sent by the Respondent/Management. Further he has not chosen to sent any reply to those communications he received stating about his ill health and taking treatment for the same. The non-production of the any document to that effect, even now and the non-examination of the Doctor, who said to have treated for this illness and issued a certificate under Ex.W3 enable us to come to the conclusion that it is only an afterthought of the Petitioner and he has procured one such certificate only for the purpose of this case to escape from the action taken by the Respondent/Management for his unauthorised absence. The Petitioner has taken a stand that the copy of the findings of the Enquiry Officer was not served on him. Ex. W6 filed by the Petitioner as a xerox copy of the memo issued to him by respondent dated 14-6-88. It is mentioned in that document that the copy of the Enquiry Officer's report is enclosed therein. If really the said copy of the findings is not enclosed with that communication, he would have immediately brought it to the notice of the management. This has not been stated so in his Claim Statement. So, from this, it is seen it is also a afterthought of the petitioner. He has also admitted in the cross examination that he has not mentioned the same in his Claim Statement. He has also not stated either in his evidence or in his Claim Statement as to how he is prejudiced for the non-furnishing of the copy of the enquiry report. From all these things, it is seen that the Petitioner Mr. K. Thangaraj was absented for duty in the Repondent/ Madras Port Trust unauthorisedly without prior permission of the Management and that he has not turned up for duty, inspite of various intimations sent by the Management which were duly received by him. Thereby it is seen that the Petitioner has committed a misconduct of unauthorised absence from 17-4-87 for which the Respondent/Management has taken proper disciplinary action against him and has passd an order after due enquiry and opportunity was afforded to him by discharging him from service for his commission of misconduct for unauthorised absence from duty from 17-4-87. Under such circumstances, it cannot be concluded that the action of the management by passing an order of discharge against the petitioner from service is invalid and illegal. The documents filed on either side and on the basis of the oral evidence let in on either side, it is clearly seen that the management before ever passing the order of discharge against the petitioner had followed all the procedures properly. Hence, under such circumstances, there is no

reason to interfere with the decision taken by the Respondent/Management against the petitioner/workman by imposing punishment of discharging him from service for the act of misconduct of unauthorised absence from duty by the petitioner. Hence, the Management of Madras Port Trust is justified in discharging the petitioner/workman Sri K.Thangaraj, Mazdoor from his services w.e.f. 17-4-87. Hence, the concerned workman is not entitled for any relief.

7. In the result, an Award is passed holding that the action of the Management of Madras Port Trust is justified in discharging Shri K.Thangaraj, Mazdoor P. No. 3302 of G.No. : 45 from his services with effect from 17-04-1987, Hence, the concerned workman is not entitled for any relief No. Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th October, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For the I Party/Workman : WW1 Sri K. Thangaraj.

For the II Party/Management: MW1 Sri C. Mahalakshmi

DOCUMENTS MARKED :

Ex.No.	Date	Description
W1	30-04-86	Xerox copy of the medical certificate of the petitioner.
W2	Nil	Xerox copy of the letter from K. Balaraman to the Traffic Manager.
W3	Nil	Xerox copy of the postal cover.
W4	19-01-88	Xerox copy of the memo issued to the Petitioner by the Respondent/Management.
W5	24-03-88	Xerox copy of the memo issued to the petitioner by the Respondent/Management.
W6	14-06-88	Xerox copy of the Charge memo.
W7	Nil	Xerox copy of the letter from K. Kannammal, M/o. K Thangaraj to the Respondent/Management.
W8	02-03-89	Xerox copy of the letter from the Management to petitioner.
W9	07-10-89	Xerox copy of the letter from K. Kannammal, M/o K. Thangaraj to the Respondent/Management.
W10	18-03-89	Xerox copy of the termination order.

W11	03-05-89	Xerox copy of the memo issued to the Petitioner by the Respondent/Management
12	28-12-89	Xerox copy of the memo issued to the Petitioner by the Respondent/Management
W13	24-05-91	Xerox copy of the medical certificate of the Petitioner

For the II Party/Management :—

Ex.No.	Date	Description
M1	06-05-87	Xerox copy of the memo issued to the Petitioner by the Respondent/Management
M2	11-06-87	Xerox copy of the show cause notice issued to the petitioner
M3	10-08-87	Xerox copy of the memo issued to the Petitioner by the Respondent/Management
M4	14-08-87	Xerox copy of the acknowledgement card.
M5	08-09-87	Xerox copy of the memo issued to the Petitioner by the Respondent/Management
M6	23-09-87	Xerox copy of the show cause notice issued to the petitioner by the Respondent/Management
M7	26-09-87	Xerox copy of the acknowledgement card
M8	09-12-87	Xerox copy of the show cause notice issued to the Petitioner by the Respondent/Management
M9	02-02-88	Xerox copy of the acknowledgement card
M10	28-03-88	Xerox copy of the acknowledgement card
M11	29-03-88	Xerox copy of the enquiry notice to the Petitioner
M12	06-04-88 14-04-88	Xerox copy of the enquiry proceedings
	(Series 3) 30-04-88	
M13	Nil	Xerox copy of the findings of Enquiry Officer
M14	1985 to 1987	Xerox copy of the leave particulars
M15	13-09-88	Xerox copy of the order of punishment.

M16	30-05-89	Xerox copy of the memo issued to the Petitioner by the Repspondent/Management
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नई दिल्ली, 20 नवम्बर, 2001

का. आ. 3410.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पारादीप पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-38011/1/94-आई आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th November, 2001

S.O. 3410.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Paradip Port Trust and their workman, which was received by the Central Government on 19-11-2001.

[No.L-38011/1/94-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM-LABOUR COURT,
BHUBANESWAR

PRESENT :

Shri S.K. Dhal, OSJS, (Sr. Branch)
Presiding Officer C.G.I.T.-cum-Labour
Court Bhubnesher

TR. INDUSTRIAL DISPUTE CASE NO. 98/2001**Date of concluding of the hearing 12th Oct. 2001****Date of Passing Award 31st Oct. 2001****Between :**

The Management of the
Chairman, Paradip Port
Trust, P.O. Paradip,
Dist. Jagatsinghpur. ... I Party/Management.

AND

Their Workman, represented
through the Vice President,
Paradip Port & Dock Mazdoor
Union, At ATBK Sub-Station,
P. O. Paradip, Dist,

Jagatsinghpur.	...	2nd Party-Union
Appearance :		
Shri Uma Sankar Tripathy, Advocate	...	For the 1st Party- Management
None.	...	For the 2nd party- Union

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-38011/1/94-IR (Misc.) dated 21-2-1995:—

“Whether the action of the Management of Paradip Port Trust, in not extending the scale of skilled category i.e. Rs. 435-566/- to recorder cum recorder supplier is justified? If not, to what relief the workman is entitled to?”

2. The case of the 2nd Party-Union may be stated in brief.

Since, 1963 the workman had worked in different capacities like phone attendants, Meter Reader. In the year 1977 they were promoted to work as Recorder-cum-Record Suppliers by the 1st Party-Management. They were allowed to draw wages in the scale of Rs. 400-565 with effect from 1-1-1974, as recommended by the Wage Revision Committee as skilled categories Grade-III. According to the 2nd party-Union electrician, Grade-III Mechanist, Grade-III and other post as prescribed in Para-7 of the Claim Statement comes under skilled categories. The wage Revision committee again modified the scale of Grade-III skilled category of Rs. 435-566 with effect from 1-8-1977. The case of the 2nd Party-Union is that the 1st Party-Management created some anomalies for which the workman raised the dispute along with other categories. The 1st Part-Management recommended the cases of all the categories of workers to the Ministry of Surface, Government of India, New Delhi, for fixation of their wages in the modified scale excepting the case of Recorder-cum-Record Supplier. So they raised the dispute and after failure of reconciliation, the present reference has been made. The 2nd Party-Union has prayed that the post of Recorder-cum-Record Supplier be treated as skilled categories.

3. The 1st Party-Management has filed their Written Statement. The case of the 1st Party-Management is that the present reference is not maintainable being raised after long gap of time. Their further case is that

the Post of Recorder-cum-Record Supplier was initially in the same scale of Pay of Rs. 150/-190/-. The wage Revision Committee had recommended the scale of pay of Rs. 400-565/- to the Class-III employees including the Recorder-cum-Record Supplier with effect from 1-1-1974. But subsequently, the Central Government in accordance with an agreement with All India Labour Federations modified the said scale of pay to Rs. 425-566/- in respect of the skilled category of post excluding the post of Recorder-cum-Record Supplier with effect from 1-8-1977. The post of Recorder-cum-Record Supplier was not brought under the skilled categories of posts, so their prayer is that the present reference is not maintainable and the 2nd Party-Union is not entitled for any relief.

4. On the above pleadings of the parties, the following Issues have been settled.

1. Whether the action of the Management of Paradip Port Trust in not extending the scale of skilled category, i.e. Rs. 435-566/- to Recorder-cum-Record Supplier is justified?
2. To what relief, the workmen are entitled?

FINDINGS

ISSUE NO. 1

5. It may be stated here that after the settlement of Issues the 2nd Party-Union was directed to lead evidence in support of their case. But inspite of adjournment the 2nd Party-Union has not adduced any oral evidence nor has produced any documents. They remained absent, so they have been set exparte on 19-9-2001.

On behalf of the 1st party-Management one witness has been examined. The Management has proved the letter of the Government, which has been exhibited in this case as Ext.-A, which speaks that the Recorder-cum-Record Supplier does not come under the skilled categories. There is no material to disbelieve the evidence adduced on behalf of the 1st party-Management. When the dispute has been raised on behalf of the 2nd Party-Union, the initial burden lies on the 2nd Party-Union to establish its case. In this case as I have already indicated that the 2nd Party-Union has not taken any step to produce any evidence either oral or documentary but on the other hand, the 1st Party-Management has proved his case by producing oral and documentary evidence. After perusal of the evidence and documents produced on behalf of the 1st Party-Management, this Tribunal is of the opinion that the post of Recorder-cum- of the 1st Party-Management, this Tribunal is of the opinion that the post, of Recorder-cum-Record Supplier does not come under the skilled categories. Hence, this Issue is answered in favour of the 1st Party-Management.

ISSUE ON. II

Mumbai 400 015.

7. In view of my above findings in respect of Issue No. I, the workmen are not entitled for any relief.

AND

8. Reference is answered accordingly.

Their Workmen

S. K. DHAL, Presiding Officer

Sh. Sharad Gharg,
R/03/9, Thakur Wadi,
Jayalashi Bo.-Op.Hsg.Soc.,
Dombivili (West),
Thane 401 202.

नई दिल्ली, 22 नवम्बर, 2001

का. आ. 3411.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, पावर एण्ड कंट्रोल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

Appearances :

For the Employer : Shri A.S. Kazi
Advocate

For the workmen : No. Appearance.

[सं. एल-31012/10/2000-आई आर. (एम)]

Mumbai, Dated 31st
October, 2001.

बी. एम. डेविड, अवर सचिव

AWARD

New Delhi, the 22nd November, 2001

S.O. 3411.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial, Tribunal cum Labour Court MUMBAI as shown in the Annexure in the Industrial Dispute between the employers in relation to the The Director, M/s. Power and Control and their workmen, received by the Central Government on 19-11-2001.

The Government of India, Ministry of Labour by its Order No. L-31012/10/2000/IR(M), dtd. 24/08/2000, in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, have referred the following Industrial Disputes to this Tribunal for adjudication.

[No.L-31012/10/2000-IR(M)]

B.M. DAVID, Under Secy.

"Whether the action of the management of M/s Power and Control is justified in terminating Shri Sharad Gharg from the services of the Company? If not then what relief the workman is entitled to?"

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, MUMBAI

PRESENT :**S. N. SAUNDANKAR**

Presiding Officer

(In Charge)

REFERENCE NO-CGIT-1/44 of 2000.

**EMPLOYERS IN RELATION TO THE
MANAGEMENT OF M/S. POWER & CONTROL**

2. On receipt of the reference Tribunal issued notices to the workman Sh. Sharad Gharg and management M/s. Power & Control, which they received vide acknowledgment (Exhibits-3 & 4). However, record show, workman though appeared did not put his Statement of Claim till 27-9-2001. Therefore again he was issued notice (Exhibit-5). However inspite of receipt of notice the workman remained absent, or put his Statement of Claim, till to date. Manager, working with the management, Mr. K.C. Negandhi vide affidavit (Exhibit-6) a pointed out that the workman concerned accepted payment in terms of compensation/legal dues and ex-gratia in full and final settlement, and therefore he is not interested. Since the workman did not file his Statement of Claim which indicate he does not wish to prosecute, therefore, the reference deserves to be disposed of and hence the order :

The Director,
M/s. Power & Control,
11/12, Neelgiri Indl. Estate.,
183, Tackerse Jivraj Marg,
Cotton Green, Sewri (W),

ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 22 नवम्बर, 2001

का.आ. 3412.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुतिकोरिन पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों, के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2001 को प्राप्त हुआ था।

[सं. एल-44011/1/97-आई.आर. (एम.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 22nd November, 2001

S.O. 3412.—In pursuance of Section 17 of the Industrial Disputes, Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tuticorin Port Trust and their workman which was received by the Central Government on 19-11-2001.

[No. L-44011/1/97-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL CUM-LABOUR, COURT CHENNAI

Wednesday, the 19th September, 2001

PRESENT:

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE No. 426/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 30/97)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947), between the Tuticorin Port Trust Employees Organisation and the Management of Tuticorin Port Trust, Tuticorin.)

BETWEEN

The General Secretary, : I Party/Claimant
Tuticorin Port Trust
Employees Organisation,
Tuticorin.

AND

The Chairman, : II Party/Management,
Tuticorin Port Trust
Tuticorin.

APPEARANCE :

For the Claimant : M/s P. K. Rajagopal &
K. Santhakumari,
Advocates

For the Management : M/s. M. Sriram,
C.N.G. Niraimathi &
T. Vijayakumari,
Advocates

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-44011/1/97-IR(Misc) dated 14-05-1997.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 30/97. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer to this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 426/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 26-02-2001. On receipt of notice from this Tribunal, the counsel on either side present with their respective parties and prosecuted this case further.

When the matter came up before me final hearing on 20-08-2001, a memo has been filed by the counsel for the II Party with the endorsement of the counsel for the I Party mentioning the names of the five workmen concerned with this dispute of reference. That memo is recorded. The arguments of the counsel on either side heard. Upon perusing the Claim Statement, Counter Statement, the other material papers on record, upon hearing the arguments advanced by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whereas the action of the Management of Tuticorin Port Trust in refusing to re-designate the five Telephone-cum-Watchroom Operators appointed in 1976 as Lower Division Clerks is justified? If not, to what relief they are entitled?”

2. The averments in the Claim Statement of the I Party/claimant are briefly as follows :—

During the year 1976 the Tuticorin Port Trust filled up five posts in the grade of Telephone-cum-Watchroom Operators from among candidates sponsored by the District Employment Exchange and from among candidates who were already the employees of the Port. The five workmen M. Ravindran, S. Vergin Patrick, A. Silvestar Fernando, R. Janarthnam, and H. Sied Mytheen were empanelled for appointment to the post of Telephone-cum-Watchroom Operators by Service selection Committee Proceedings dated 9-3-1976. Among the five of them Mr. Ravindran was appointed to the post of Lower Division Clerk without any re-notification to the Employment Exchange to sponsor his name to the vacancy of Lower Division Clerk. The four others were issued with the order of appointment to the post of Lower Division Clerk on regular basis by order dated 25-3-1976 as against the three unreserved posts for Scheduled Castes and two other unreserved posts. As no Scheduled Tribe candidate was available, the said H. Sied Mytheen was appointed to the post of Telephone-cum-Watchroom Operators on ad-hoc basis by an order dated 25-3-1976. Subsequently, one Sri N. Sundaravadivelu, a Scheduled Caste candidate was appointed to the post of TCWRO by an order dated 29-6-1976 on regular basis as against the vacancy reserved for Scheduled Caste community. In order to regularise the ad-hoc appointment of the said Sri Sied Mytheen a de-reservation proposal was sent to the Govt. on 23-12-78 and thereby the appointment was regularised. Thus, all these workmen were appointed in the post of TCWRO on regular basis. While granting approval of the Ministry of Surface Transport to the draft recruitment rules framed for the post attached with four fire service including TCWRO the Ministry vide letter dated 8-9-77 had observed that the Pay Commission has recommended that there should be no separate cadre of TCWRO and that they should be merged with the cadre of Lower Division Clerk. Therefore, it is suggested that the post may be merged with the cadre of TOCC/Lower Division Clerk. By a letter dated 3-1-1978, the II Party/Management (hereinafter refers to as Respondent) replied that the Port has no objection to merge these posts with the cadre of Telephone Operators-cum Clerk. The existing incumbents of the post of TCWRO will be adjusted against future vacancies or the TOCC as and when vacancies in the grade TOCC arise and transferred out from Port fire service. As a result of the above developments, the post of TCWRO should have been merged with the post of Lower Division Clerk on TOCC. The five Telephone-cum-Watchroom Operators should have been redesignated as Lower Division Clerk with effect from the date of the respective recruitment as TCWRO. Instead by an order dated 15-6-1979, the said five TCWROs were transferred to the post of Lower Division Clerk in contravention of recruitment rules and all norms in this regard. The recruitment rules for the post of Lower Division Clerk/TOCCs contained as Serial No. 36 of Schedule II the Tuticorin Port

Employees (Recruitment, Seniority and Promotion) Regulations, 1979, the Rule provided that the post concerned may be filled in only by direct recruitment or by promotion in the ratio of 90% : 10%. The post of Lower Division Clerk/TOCC cannot be filled up by transfer and no employee from any other cadre can be transferred to the post of Lower Division Clerk/TOCC. No provision has been made in the recruitment rules for what is called the method of recruitment by transfer. If that has to be done, provisions of the recruitment rules should be amended. In the absence of specific mention in the recruitment rules filling up of post by transfer is illegal. The scale of pay for Lower Division Clerk was fixed at the scale of Rs. 449/- as on 1-4-1980. In the revised WRC scale in respect of Sri S. Vergin Patrick and A. Silverstar Fernando in pursuance of provisions of F. R. 22(a)(2) operative at that time. If the duties and responsibilities for the post of Lower Division Clerk higher than that of TCWRO, their pay ought to have been fixed under the provisions of F.R.22(c). In view of the pay fixation made in the case of said two employees, it is clear that the scale of pay duties and responsibilities for the post of TCWRO and Lower Division Clerk were similar. It is only on these cases that the TCWROs were directed to perform the duties of Lower Division Clerks vide order dated 14-12-1997. Re-designation of certain categories of posts is nothing new in the Tuticorin Port Trust. After the merger of the erstwhile minor port with the Tuticorin Port Trust, the Chairman had ordered for re-designation of post of Driver Grade III and Engine Room Tindal as Greaser vide order dated 16-4-1980. These re-designations were made in the absence of provisions in the recruitment rules. The administration failed to adopt this consistent practice while appointing five TCWROs to the post of Lower Division Clerk. The illegalities committed in the matter by the administration has resulted in great prejudice to the five employees concerned. It has affected the seniority negatively and had resulted in financial loss to them. Whereas seniority in the post of Lower Division Clerk ought to have been counted from the day they were appointed to the post of TCWRO in the year 1976 from the dates of their respective appointments. They should have been accordingly given position in the seniority list in respect of Lower Division Clerks counting their service from the date of original appointment as TCWRO as if, they were appointed as Lower Division Clerks. The action of the administration of Tuticorin Port Trust in dealing with them otherwise, and reckoning their seniority in the post of Lower Division Clerk only from 15-6-1979 is contrary to principles of natural justice, Service Regulations, norms governing employer-employee relationship and Articles 14, 16 and 21 of the Constitution of India. Hence, this Hon'ble Tribunal may be pleased to direct the Respondent to consider and treat the said five TCWROs concerned, as if, they were re-designated as Lower Division Clerk w.e.f. the dates of their respective

original as TCWROs in the year 1976 and consequently count their seniority in the post of Lower Division Clerks w.e.f. the date of joining in the post of TCWROs and grant all the benefits on such re-designation and treatment.

3. The averments in the Counter Statement of the II Party/ Management Tuticorin Port Trust are briefly as follows :—

The Tuticorin Port Trust Employees Organisation had claimed that the post of Lower Division Clerk could not be filled in by transfer and hence the appointment of Telephone-cum-Watchroom Operators to the grade of Lower Division Clerks during the year 1979 by transfer is not in order. The Union has, therefore, requested that the five employees appointed to grade of Telephone-cum-Watchroom Operators be redesignated as Lower Division Clerk from the date of original appointment as Telephone-cum-Watchroom Operators instead of transferring them to the grade of Lower Division Clerk. Five persons were appointed at Telephone-cum-Watchroom Operators on adhoc basis in the Port's fire service station of the erstwhile Port of New Tuticorin which was functioning as a subordinate office of the erstwhile Ministry of Shipping and Transport. At the time of their appointment in 1976, there were no approved recruitment rules for the post of Telephone-cum-Watchroom Operators as a post of Telephone-cum-Watchroom Operator was an isolated category of post exclusively meant for the port fire station. There was no promotional avenue for the incumbents. As the Port of New Tuticorin was functioning as a subordinate office of erstwhile Ministry of Shipping and Transport, the Central Government was the competent authority to notify the recruitment rules. While the recruitment rules for the post of Telephone-cum-Watchroom Operators were formulated and sent to the Central Govt. during May, 1977 for approval, the Ministry of Shipping and Transport, after considering the proposal of the Port has communicated their decision by letter dated 8-9-77 stating that the Pay Commission has recommended that there should be no separate cadre of Telephone-cum-Watchroom Operators and they should be merged with the cadre of Lower Division Clerk. Therefore, it is suggested that the post may be merged with the cadre of Lower Division Clerk and in such case, the question of framing recruitment rules for this post would not arise. Inasmuch as the Central Govt. is the authority competent to approve and notify the recruitment rules formulated by the subordinate office, there is no alternative but to comply with such decision of the Central Govt. Under these circumstances, it was decided that the post of Telephone-cum-Watchroom Operators should be merged with the cadre of Lower Division Clerk so as to avoid any administrative as well as the cadre management problem at a later date. Accordingly, a reference was made to the Govt. by its letter dated 3-1-78. For that proposal, these five employees who were working in the cadre of Telephone-cum-

Watchroom Operators were appointed on transfer to the post of Lower Division Clerk in its letter dated 19-6-1979 with effect from 15-6-79 as fresh entrance with the conditions that this appointment at the date of selection to the post of Lower Division Clerk for the purpose of determining seniority in the post of Lower Division Clerk will be with effect from the date of issue of this order. Thus, with reference to the suggestion the Central Govt. communicated in the Ministry's letter dated 8-9-1977 that incumbents for the post of Telephone-cum-Watchroom Operators were merged by transfer to the post of Lower Division Clerk as fresh entrants, considering the interest of such employees in an isolated category of post which had no promotional avenues. While some of the Unions and individuals represented that the service rendered in the grade of Telephone-cum-Watchroom Operators should be counted towards qualifying period of service for the purpose of eligibility for appearing in the departmental examination for appointment to the grade of Upper Division Clerk, the matter was taken up with the Ministry by a letter dated 8-1-80. However, the Ministry by its letter dated 25-7-80, communicated their decision stating that when the matter was referred to the Department of Personnel and Administrative Reforms, they have clarified that the post of Telephone Operators have been merged with the cadre of Lower Division Clerk, in order to open out the avenue of promotion to them. They will count the service as Lower Division Clerk only from the date and the past period would not count for the promotion to the post of Upper Division Clerk. When the matter was raised as an industrial dispute by the Tuticorin Port Trust Union during 1981-82, Ministry was addressed again. The Ministry was requested by their letter dated 31-7-82 to reconsider their view contained in their letter dated 25-7-1980 and to agree to the proposal of the Port for counting of the services rendered in the grade of Telephone-cum-Watchroom Operators for the purpose of promotion to the grade of Upper Division Clerk. In reply, the Ministry by its letter dated 23-3-1983 informed that the request could not be acceded to. The issue was taken up again by the same Tuticorin Port Trust Union during 1984 as a dispute before the Assistant Labour Commissioner (Central). The conciliation ended in a failure. The Ministry of Labour by their letter dated 7-10-1985 came to the conclusion that there was prima-facie no ground for adjudication of this matter by the Tribunal. Under the circumstances, the Union and the individuals had not made any representation in this regard thereafter. However, now the Tuticorin Port Trust Organisation has raised the dispute on the ground that the incumbents in the grade of Telephone-cum-Watchroom Operators should have been redesignated as Lower Division Clerks. During 1979 instead of treating their appointment to the grade of Lower Division Clerk on transfer, the Union had contended that the post of Lower Division Clerk could not be filled in by transfer, since there are no provisions in the recruitment

rules for that post of Lower Division Clerk for appointment on transfer. It is submitted that the qualification for the post of Telephone-cum-Watchroom Operators prescribed in the draft recruitment rules proposed then by the Port is, the applicant should have passed matriculation or its equivalent, should have one year experience as Telephone Operator, training in telephone operation. As far as the post of Lower Division Clerk, the qualification prescribed in the approved recruitment rules are, that the applicant is having atleast matriculation or its equivalent qualification and minimum speed of thirty words per minute in typewriting. There was no provision in the recruitment rules for the post of Lower Division Clerk for appointment either on transfer or on redesignation. Though there was no provision for appointment of Telephone-cum-Watchroom Operators to the grade of Lower Division Clerk either on transfer or by redesignation, the five individuals who were appointed as Telephone-cum-Watchroom Operators, with reference to the draft recruitment rules for the post of Telephone-cum-Watchroom Operators, were appointed as Lower Division Clerks w.e.f. 15-6-1979 as fresh entrants only. With reference to the suggestion made by the Central Govt. particularly with a view to provide promotional opportunities to them, since the post of Telephone-cum-Watchroom Operators was an isolated category of post and the incumbents were not appointed with reference to the approved recruitment rules. They were not in possession of the required qualification in typewriting and they were not eligible being considered for appointment to the grade of Lower Division Clerk with retrospective date as per the approved recruitment rules existing at that time. However, they were appointed as Lower Division Clerk on transfer with a specific condition that the appointment and the date of selection for the post of Lower Division Clerk for the purpose of determining the seniority in the post of Lower Division Clerk would take effect from the date of the order as fresh entrants. They have also joined as Lower Division Clerk after accepting the terms and conditions of appointment. Their services rendered in the grade of Telephone-cum-Watchroom Operators upto 14-06-1979 were only on ad-hoc basis and the Government had also clarified the same by its letter dated 25-7-1980 stating that the past service rendered in the grade of Telephone-cum-Watchroom Operators on adhoc basis could not be counted for promotional purposes. The same demand has been again raised as an industrial dispute by the Tuticorin Port Trust Employees Organisation and that claim of the Petitioner is unsustainable. The Port had proposed to adjust those Telephone-cum-Watchroom Operators against future vacancies in the grade of Lower Division Clerk then known as TOCC as fresh entrants. It was also proposed to create equal number of posts of leading fireman by abolishing the post of Telephone-cum-Watchroom Operators. Accordingly, the posts of Telephone-cum-

Watchroom Operators were abolished and five posts of leading fireman were created only on 15-6-79. After abolition of Telephone-cum-Watchroom Operators, the incumbents of the grade of Telephone-cum-Watchroom Operators were appointed to the grade of Lower Division Clerk on transfer with effect from 15-06-1979 against the existing vacancies as fresh entrants with a specific condition that regular appointment on the date of selection to the post of Lower Division Clerk for the purpose of reckoning their seniority would be with effect from 15-06-1979 as applicable to fresh entrants. The demand has been made after lapse of 18 years. It is a belated claim. Among the employees of the Port filed a Writ Petition No.640/1992 challenging the Board's resolution No.98/1979 regarding relaxation of qualifying period of service on promotion to higher post in respect of SC/ST employees. The said Writ Petition was dismissed by the Hon'ble High Court on the ground that the Petitioner cannot question the resolution nearly after 15 years. Since the transfer of employees in the grade of Telephone-cum-Watchroom Operators to the grade of Lower Division Clerk was made during the year 1979, particularly, when the recruitment rules for the post of Telephone-cum-Watchroom Operators were not approved by the Central Government and this belated claim to count their service in the grade of Telephone-cum-Watchroom Operators for the purpose of seniority in the grade of Lower Division Clerk has been raised now after 18 years for maintaining the seniority with retrospective effect including their ad-hoc service rendered in the grade of Telephone-cum-Watchroom Operators is not sustainable, as per the orders of the Central Government communication in the Ministry's letter dated 9-10-1985. Therefore, this Hon'ble Tribunal may be pleased to dismiss the above industrial dispute.

4. When the matter was taken up for enquiry, no one was examined on either side as witness. No document has been filed on either side as exhibits. The learned counsel on either side have advanced their respective arguments.

5. The point for my consideration is—

“Whether the action of the Management of Tuticorin Port Trust in refusing to re-designate the five Telephone-cum-Watchroom Operators appointed in 1976 as Lower Division Clerks is justified? If not, to what relief they are entitled?”

Point:—

It is an admitted case that the concerned employees M/s. M.Ravindran S.Vergin Datrik. A. Silverstar Fernando, R. Janardhanan and H. Syed Mytheen were appointed in 1976 as Telephone-cum-Watchroom Operators in the Tuticorin Port Trust. Tuticorin under the Management of the I Party/Respondent. It is also admitted that the said post of Telephone-cum-Watchroom Operator

was an isolated category of post operated in the fire station only, and it was an isolated cadre without any promotional opportunities operated in Port fire service. It is also admitted that the pay commission had recommended that there should be no separate cadre of Telephone-cum-Watchroom Operator and that they should be merged with the cadre of Lower Division Clerk. So, the Ministry of Surface Transport by its letter dated 8-9-1977 suggested that the post of TCWRO may be merged with the post of TOCC/Lower Division Clerk. While giving effect to the suggestion made by the Ministry by its letter dated 8-9-1977 the Port Trust had chosen to maintain the then existing incumbents of the post of TCWRO to be adjusted against future vacancies of the TOCC as and when vacancies arise. It is objected to by the Petitioner Union stating that the suggestion was made by the Ministry was based on the Pay Commission recommendation as accepted by the Ministry and hence, the Ministry and the Respondent should have merged the post and should not have individually absorbed TCWROs against future vacancies and that the merger should have been imminent. It is further contended by the learned counsel for the Petitioner that for all practical and legal purposes, the entire service rendered by the concerned five employees/workman as TCWROs as well as Lower Division Clerks should be counted in service for the purposes of all subsequent promotions. Otherwise the entire service rendered as TCWROs becomes meaningless. It is also contended that as per service norms, it is the rule reckon the entire service, ad-hoc or otherwise rendered in a cadre for the purpose of seniority and promotion and hence, there is no justification for the Respondent in refusing to merge the TCWROs in the cadre of Lower Division Clerks and five employees are entitled to have their entire service counted for all purposes.

6. The learned counsel for the Respondent/Management contra to this contentions of the Petitioner Union would say that while the recruitment rules for the post of Telephone-cum-Watchroom Operator were formulated by the Port and sent to the Central Govt. for approval during May, 1977, the Central Govt. did not approve the proposal, but suggested that the post of Telephone-cum-Watchroom Operator could be merged with the cadre of Lower Division Clerk, since the Pay Commission had recommended that there should be no separate cadre of telephone operator and it should be merged with the cadre of Lower Division Clerk, then known as TOCC. In response to Ministry's letter dated 8-9-1977, the Port had furnished its view by its letter dated 3-1-1978. In that letter, it was stated that the post of Telephone-cum-Watchroom Operator have been created for fire service of the Port on the pattern obtained in Madras Port Trust. The existing incumbents of the post will be adjusted against future vacancies of the TOCCs and redesignated as such as and when vacancies in the

cadre of TOCCs arise and transferred out from the fire service. When such transfer takes place, it will be necessary to post persons to the fire service, to look after these duties.

For this purpose, it is proposed to create equal number of posts of leading firemen to perform the duties of Telephone-cum-Watchroom Operators as the incumbents of the posts have to work in close liaison with other staff of fire service. This arrangement will avoid frequent transfers to other departments and consequently there will not be any difficulty in maintaining standard of discipline expected by the fire service. Thus, the Port had prepared to adjust those Telephone-cum-Watchroom Operators against the future vacancies in the grade of Lower Division Clerk then known as TOCC as fresh entrant's-. As per the proposal, the post of Telephone-cum-Watchroom Operators were abolished and five posts of leading firemen were created only on 15-6-1979. After that the incumbents were appointed to the grade of Lower Division Clerk on transfer w.e.f. 15-6-1979 against the existing vacancies as fresh entrants which specifically said that their regular appointment and the date of selection to the post of Lower Division Clerk for the purpose of reckoning their seniority would be w.e.f. 15-6-1979 as applicable to fresh entrants. It is further submitted by the learned counsel for the Respondent/Management that the claim of the Union that the said five workmen should have been re-designated as Lower Division Clerk w.e.f. the date of their appointment as Telephone-cum-Watchroom Operators on transferring them to the post of Lower Division Clerk was in contravention of recruitment rules. But there are no provisions in the recruitment rules for the post of Lower Division Clerk for appointment either by transfer or from other grades or by re-designation of employees from other grades. So, one such claim made by the union is not justifiable with reference to the provisions of recruitment rules for the post of Lower Division Clerk existing at that time. Further, the Central Govt. had clarified that they will count their service as Lower Division Clerk only from the date of appointment as Lower Division Clerk. The Central Govt. is the authority competent to make or approve the recruitment rules. The qualifications prescribed for the post of Telephone-cum-Watchroom Operators and Lower Division Clerk and duties and responsibilities attached to those two posts are not identical. The post of Lower Division Clerk is a Ministerial post involving clerical duties and having sufficient promotional opportunities upto the level of Deputy Secretary, whereas, the post of Telephone-cum-Watchroom Operators was an isolated category of post operated in fire station only. Though there are no provisions for appointment of these five workmen to the grade of Lower Division Clerk either by transfer or by re-designation, they were appointed as Lower Division Clerk as fresh

entrant only with a view to bring them out of an isolated cadre, which had no promotional opportunity and with reference to the direction of the Central Govt., which is the authority competent to formulate and approve the recruitment rules. When the proposal was sent to the Central Govt. stating that the five incumbents will be adjusted against future vacancies the Central Govt. by its letter dated 25-7-80 clarified that they would count service as Lower Division Clerk from the date of appointment. That suggestion was made by the Respondent/Management to the Ministry was only in the interest of those employees. In such circumstances, fixation of pay under F. R. 22(c) which is applicable to in case of promotion on higher posts had not arisen.

7. A perusal of the connected records filed along with the Counter Statement clearly shows that the stand taken by the Respondent/Management in this dispute against the claim made by the union on behalf of the concerned five workmen is correct. When the Central Govt. by its letter dated 25-7-80 had clarified that these five workmen service would count as Lower Division Clerk from the date of appointment, no legal steps has been taken by the Union then itself to challenge the said decision of the Central Govt. as illegal and unjustifiable.

8. It is also the contention of the Respondent/Management that the five Telephone-cum-Watchroom Operators were appointed only on adhoc basis with reference to the provisions contained in the draft recruitment rules. It is further contended by the Respondent/Management that only in compliance with the instructions of the Central Govt. it was decided that the staff in the cadre of Telephone-cum-Watchroom Operators should be merged with the cadre of Lower Division Clerk so as to avoid any administrative as well as cadre management problem at a later date and in compliance with the instructions of the Central Govt. all the incumbents in the grade of Telephone-cum-Watchroom Operators were appointed to the post of Lower Division Clerk on transfer with effect from 15-06-1979 as fresh entrants with the specific condition that their regular appointment and the date of selection to the post of Lower Division Clerk for the purpose of reckoning their seniority in the grade of Lower Division Clerk would be w.e.f. 15-06-1979. The Govt. also had clarified that the past service in the grade of Telephone-cum-Watchroom Operators a separate category of post could not be counted for the purpose of promotion to the grade of Upper Division Clerk. Upto 14-6-79, the incumbents performed their duty in fire station only. Hence, the claim to redesignate them as Lower Division Clerk with retrospective effect is not maintainable. All these contentions of the Respondent/Management as advanced by way of an

argument by the learned counsel for the Respondent/Management are tenable and acceptable on the facts and circumstances of this case.

9. Further, as it is mentioned in the Counter Statement itself, the claim has been made after a lapse of 18 years and it is a belated claim. The Hon'ble High Court has passed an order in the Writ Petition No. 640/1992 stating that "the Petitioner in that Writ Petition cannot question the resolution of the Board passed in 1979 regarding relaxation of qualifying period of service for promotion to higher posts in respect of SC/ST employees cannot be questioned nearly after 15 years". The said decision of the Hon'ble High Court is squarely applicable to the present belated claim made by the Petitioner Union. It is also not disputed that the Central Govt. has rejected the claim of the Union for the seniority of these five workmen from the date of their initial appointment as Telephone-cum-Watchroom Operators by its letter dated 25-07-1980. It is seen from the facts available in this case that these five workmen were transferred to the grade of Lower Division Clerk, on abolition of the post of Telephone-cum-Watchroom Operators held by them w.e.f. 15-6-1979 as fresh entrants and their appointment in the grade of Telephone-cum-Watchroom Operators was on ad-hoc basis pending approval of the recruitment rules by the Central Govt. So, the Petitioner Union's claim for maintaining seniority with retrospective effect including their ad-hoc service in the grade of Telephone-cum-Watchroom Operators is not sustainable, as per the orders of the Central Govt. communicated in the Ministry of Labour in the letter dated 9-10-1995. The Respondent/Management's reliance on this order of the Central Govt. is perfectly justified. Under such circumstances, it can be easily held that the action of the Management of Tuticorin Port Trust in refusing to redesignate the five Telephone-cum-Watchroom Operators appointed in 1976 as Lower Division Clerks is justified. Hence, they are not entitled to any relief as prayed for by the Petitioner Union in the Claim Statement. Thus, the point is answered accordingly.

10. In the result, an Award is passed holding that an award is passed holding that the action of the management of Tuticorin Port Trust in refusing to redesignate the five Telephone-cum-Watchroom Operators appointed in 1976 as Lower Division Clerks is justified. Hence, those workmen are not entitled to the relief prayed for by the Petitioner Union. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 19th September, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None

Documents Marked :

On either side : Nil

नई दिल्ली, 29 नवम्बर, 2001

का. आ. 3413.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 को प्राप्त हुआ था।

[सं. एल-22012/76/96-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th November, 2001

S.O. 3413.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22012/76/96-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR.PRESENT SHRI B.G. SAXENA, PRESIDING
OFFICER.

REFERENCE NO: CGIT : 169/2000

THE SUB AREA MANAGER, W.C.L.

AND

SMT. RATNAMALA KISTAYA

AWARD

The Central Government, Ministry of Labour,
New Delhi, by exercising the powers conferred by
Clause (d) of Sub-section (1) and Sub-section 2(A) of

Section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order No. L-22012/76/96-IR(C-II) dated : 11/15-07-97 on the following schedule.

SCHEDULE

“ Whether the action of the management of Chanda Rayatwari Colliery of WCL, Distt. Chandrapur in dismissing Smt. Ratnamala Kistaya, Ex-General Mazdoor, Chanda Rayatwari Colliery, w.e.f. 12-12-92 is legal and justified? If not to what relief is the workman entitled and from which date?”

The schedule sent with the reference order shows that Smt. Ratnamala Kistaya was dismissed from service on 12-12-92. She had submitted Statement of Claim on C.G.I.T. Court No-1 at Mumbai on 30-09-97 claiming that she has been wrongly dismissed and was harassed by the Sub Area Manager of Chanda Rayatwari Sub Area.

The management of WCL submitted Written Statement on 10-09-98 and contested the case. The management had mentioned in the Written Statement that the workman had been disobeying the orders of his superior officers. She had also abused her superior officer on 03-09-92 and 05-09-92.

The workman has submitted affidavit in this Court through her advocate D.C. Nauwarkar, advocate on 07-12-2000. After that 22-01-01, 09-02-01, 09-03-01, 27-03-01, 01-05-01, 11-05-01, 04-06-01, 02-07-01, 01-08-01, 24-09-01, 10-10-01, and 05-11-01 were fixed for cross examination of witness and arguments.

The workman did not turn up for cross examination. Her advocate is not also appearing since 11-05-01.

In view of the above facts the workman has not turned up to contest the case. Her counsel is also avoiding to appear in the Court. The advocate also did not prefer to argue the case for workman.

The reference is therefore disposed of for want of prosecution.

The counsel for the management is present.

ORDER

The reference is disposed of for want of prosecution.

B. G. SAXENA, Presiding Officer

Dated 05-11-2001.

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3414.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 को प्राप्त हुआ था।

[सं. एल-22012/46/99-आईआर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 29th November, 2001

S. O. 3414.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22012/46/99-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL,
NAGPUR

PRESENT SHRI B.G. SAXENA, PRESIDING
OFFICER.

Reference No. CGIT : 80/2000

THE SUB AREA MANAGER, W.C.L.

AND

RATANPAL PRALHAD LOKHANDE

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by Clause (d) of Sub Section (1) and Sub Section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order No. L-22012/46/99/IR(CM-II) dated : 03-08-99 on the following schedule.

SCHEDULE

"Whether the action of the management of namely Sub Area Manager, New Majri Open Cast Mine of WCL. PO : Shivjinagar, Distt. Chandrapur in terminating the services of Shri Ratanpal Pralhad Lokhande. Ex-Motor Mechanic, New Majri Open Cast Mine, is legal, proper and justified? If not, to what relief the workman is entitled and from which

date? What other directions are necessary in the matter?"

The workman Ratanpal Pralhad Lokhande had submitted his Statement of Claim in C.G.I.T Court No. II at Mumbai. The workman has claimed that he was working in WCL as E-Motor Mechanical since March, 1990. On 25-06-95 he fell ill so he went to his village Naivargaon which is three km. from Nainpur, Distt. Chandrapur. The management issued Chargesheet to him on 19-08-95. The enquiry set up against him on 06-10-95. The Enquiry Officer J.S. Sayare fixed enquiry for 28-10-95. He concluded the enquiry and submitted report to competent authority. The service of the workman was terminated by CGM vide order dated 24-02-96. The workman has claimed reinstatement on the ground that the enquiry was conducted exparte and he had no knowledge about the above enquiry.

In the Written Statement filed by the management of WCL through sub Area Manager, New Majri Open Cast Sub Area, WCLTD dated 29-10-99 it is mentioned that the workman had been absenting from duty from 19-12-93 and Chargesheet was given to him on 23-04-94. Though the explanation given by the workman was not satisfactory, he was allowed to join duty pending enquiry vide letter dated 31-05-94.

Again the workman started remaining absent from 26-05-95 and he did not inform management about the reason of his absence.

The management waited for returning of the workman on duty for about three months. When he did not turn up another Chargesheet No. WCL/M-OCM/Manager/Personal/95/384 dated 19-08-95 was issued to the workman.

The workman had left his residence which was in premises of Coallierly on 26-05-95 and did not inform the management as to where he was going. Thus no address of the workman was available except his home address mentioned by him in Form-B Register. The Chargesheet was sent to the workman on this address. The information regarding the setting up of the enquiry and the fixation of the dates of enquiry was also sent to the workman on the home address given by him in Form-B Register.

When the workman did not turn up to attend enquiry and did not furnish any address to the management as to where he was living since 26-06-95, the enquiry was concluded and the dismissal order was passed on 24-02-96 i.e. after nearly eight months.

The workman and the management have submitted documentary evidence. The workman Ratanpal P. Lokhande was also examined in the Court and his cross examination was recorded on 26-03-01. The management examined J.S. Sayare, Personal Manager and he was cross examined on 14-05-01. Both the parties closed their evidence.

Both the parties have submitted their Written Arguments. S.R. Pendre the representative of the workman argued the case. From the side of management of WCL Shri D.C. Gupta, personal Manager argued the case for the management.

I have considered the entire Oral and Documentary evidence on record. The workman Ratanpal Pralhad Lokhande admitted in his cross examination that he is educated upto Class-XI. He can read and write Hindi. He can also read English. The workman admitted that he had himself furnished the address which is noted in Form-B. He further says that he remained ill from 26-06-95 to 26-2-96 i.e. for eight months. He did not inform the management of the Coallieri of WCL where he was posted, about his illness during the period of above eight months.

The workman also admitted that he did not send any Medical Certificate of his illness to the Sub Area Manager. He also admits that he has not filed any medical Certificate in this Court to show that he remained ill from 26-6-95 to 26-2-96. He has also not mentioned in his affidavit as to where he took the treatment for his illness. The workman also did not mention form which disease he was suffering for the eight months.

The workman further admits that he raised the dispute before ALC, Chandrapur in June, 98 i.e. after two years and four months from the date of his dismissal.

The statement of Shri J.S. Sayare, Enquiry Officer shows that he was appointed Enquiry Officer vide order dated 6-10-95. He had sent notice to the workman by Registered post on the address which was given by the workman in the Service Book on Form-B Register. On the envelope the Postal Department reported that the workman was not living on that address. The Postal Department also informed that he had gone out to an unknown address. It is further mentioned by J.S. Sayare in the affidavit that the where about of the workman were not known. He completed the enquiry on 28-10-95. In cross examination this witness has stated that the Chargesheet was sent to the workman through Register letter on 19-8-95. The information regarding the appointment of Enquiry

Officer was sent to the workman on 17-10-95. This witness further says that on 15-2-96 workman Ratanpal P. Lokhande came in his office at New Majri Sub Area and had received the copy of the documents of the enquiry proceedings and the finding of the enquiry report from his office.

From the above statement of the witness J.S. Sayare it is evident that the workman did not report for duty even on 15-2-96. the workman also did not submit any Medical Certificate of his illness to the sub Area Manager showing that he remained ill from 26-6-95 to 26-2-96 as mentioned by him in his statement in the Court on 26-3-01. He did not file any appeal against the enquiry proceedings.

From the above evidence it is therefore clear that the workman Ratanpal P. Lokhande absented himself from duty from 25-05-95 as mentioned by him in Statement of Claim. The workman has mentioned in his Statement of Claim that on 25-05-95 he fell ill. As there was no other male member in his family, he went to his native village Nainpur, Tah: Sindewahi, Distt. Chandrapur. The workman did not inform the office of Sub Area Manager that he had fallen ill on 25-5-95 and he is going to his home town. Thus it is evident that the workman is educated upto Class-XI. He can very well read and write Hindi, He was therefore having sufficient knowledge of Hindi and he could write letter to the management of WCL Sub Area Manager about his illness.

The workman therefore himself absented from his duty and did not appear in the Enquiry Proceedings.

The workman has not submitted any Medical Certificate to show in this Court as well that he remained ill from 26-6-95 to 26-2-96.

It is therefore clear that the workman has no evidence with him to show that he remained ill for eight months. There is no evidence to show that he was suffering from any such illness that he was unable to report for duty for eight months. He was not admitted in any hospital for taking treatment for his illness. In the above circumstances the order of termination of his service was legal, proper and justified.

The enquiry was conducted according to rules and principle of natural justice. The Enquiry Officer has recorded his finding on the basis of documentary evidence which was produced before him during the enquiry.

If the workman himself did not furnish the address as to where he was living for about eight months, the management cannot be blamed for it.

In the above circumstances the workman is not entitled to any relief. Issue No. 1 to 4 are decided accordingly.

ORDER

The action of the management of namely Sub-Area Manager, New Majri Open Cast Mine of WCL, PO : Shivjinagar, Distt. : Chandrapur in terminating the service of Shri Ratanpal Pralhad Lokhande, E-Motor Mechanic New Majri Open Cast Mine is legal, proper and justified.

The workman is not entitled to any relief claimed by him.

No other directions are necessary in this matter.

The reference is answered accordingly.

Dated :

B.G. SAXENA, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3415.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 को प्राप्त हुआ था।

[सं. एल-22012/78/2000-आईआर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th November, 2001

S. O. 3415.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22012/78/2000-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, AT NAGPUR

PRESENT : SHRI B.G. SAXENA, PRESIDING
OFFICER.

Reference No. CGIT : 285/2000

THE GENERAL AREA MANAGER, S.E.C.L.

AND

SHRI RAM MANOHAR

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by Clause (d) of Sub Section (1) and Sub Section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order No. L-22012/78/2000/IR(CM-II) dated : 18-09-2000 on the following schedule.

SCHEDULE

"Whether the action of the General Manager, Sohagpur Area of SECL, PO : Dhanpuri, Distt. Shahdol (MP) in terminating the services of Shri Ram Manohar, Timberman, Chachai U.G. Mine of SECL w.e.f. 29-03-94 is legal and justified? If not, to what relief the workman is entitled?"

This reference was received from Ministry of Labour, New Delhi in Sept., 2000. Notices were issued to both the parties and the case was adjourned to 06-11-2000 and 18-12-2000. The representative of the management appeared and submitted authority letter on 18-12-2000.

Nobody appeared from the side of the workman Ram Manohar. Neither the workman nor any representative of his union appeared to contest the case. On 01-02-01 Registered Notice was again sent to Ram Manohar. The case was adjourned to 23-03-01, 17-05-01, 11-07-01, 21-08-01, 20-09-01 and 01-11-01. On all these dates the workman remained absent and did not turn up though Registered Notice was sent to the workman Ram Manohar again on 11-07-01. On the envelope, the Post Office has reported on 19-07-01 that the workman Ram Manohar is not living on the address given by the management on 11-07-01. The General Secretary of the Union, Koyla Mazdoor Sabha also did not appear to contest the case for the workman.

More than one year has passed but the workman has not submitted any Statement of Claim.

Today the application was moved by the management that nine opportunities have been given to the workman Ram Manohar to file the Statement of Claim. Neither the workman has appeared nor any representative of the workman appeared to submit the Statement of Claim.

In view of the above facts that no Statement of Claim has not been filed by the workman in support of his dispute, the reference is disposed of for want of prosecution.

ORDER

Ram Manohar, workman did not submit any Statement of Claim either through any advocate or any representative of his union. The workman during the last one year did not appear personally to submit any Statement of Claim, hence the reference is disposed of for want of prosecution.

B.G. SAXENA, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3416.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 को प्राप्त हुआ था।

[सं. एल-22012/181/2000-आईआर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 29th November, 2001

S. O. 3416.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22012/181/2000-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR**

PRESENT : SHRI B.G. SAXENA, PRESIDING
OFFICER

Reference No. CGIT : 14/2001

THE DISTRICT MANAGER, FOOD CORPORATION
OF INDIA

AND

SHRI RAMDAYAL SINGH

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by Clause (d) of Sub Section (1) and Sub Section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred this

dispute for adjudication vide order No. L-22012/181/2000/IR (C-II) dated : 05-03-2001 on the following schedule.

SCHEDULE

"Whether the action of the Management of FCI, in transferring Shri Ramdayal Singh. (not a member of FCI Workers Union) from Bihar to Gondia Region in contravention of the bipartite settlement dated 24-05-84 is legal and justified?"

AND

"Whether the action of the union in resorting to stoppage of work/strike from 21-02-2000 to 24-02-2000 (four days) without giving notice of strike is legal and justified? If not, to what relief the management or the union are entitled to?"

This reference has been sent by Government of India, Ministry of Labour, New Delhi on the dispute raised by Secretary/President, Food Corporation of India Workers' Union, Ajni. Representative of the FCI Workers' Union moved application for adjournment on 04-05-01. The case was adjourned to 25-06-01. On 22-05-01 the application was moved by Shri Niranjana Das, President, FCI Worker's Union that this union is only concerned with the dispute over the issue of transfer of Ramdayal Singh, workman from Bihar to Gondia (Maharashtra). The union has no concern with the issue of non-payment of wages to Ramdayal Singh which is his individual dispute.

On 10-08-01 Raghuraj Singh, Secretary, FCI Workers' Union moved application that in the conciliation proceedings it was agreed by the FCI management not to press the issue of joining of Shri Ramdayal Singh, Sardar at FSD, Gondia and the representative of the workmen also agreed to maintain peace and resort to constitutional methods only for redressal of their grievances.

In view of the agreement between the parties the reference has become infructuous and may be dismissed. On 05.10.01 the workman, Ramdayal Singh appeared in the Court and represented that he does not want to get the case transferred from CGIT, Nagpur to CGIT, Calcutta.

On 23.10.01 the counsel for workman A.P. Raghute appeared in the Court and wrote on the Ordersheet that the workman is not interested in proceeding further with the case and the reference be disposed of. The counsel also represented that the workman does not want to submit any Statement of Claim.

In view of the above facts the workman is not disputing the issue of his transfer from Bihar to Gondia. The workman Ramdayal Singh is not interested in submitting any Statement of Claim and to contest the case further.

In view of the above facts the reference should be disposed of for want of prosecution.

ORDER

The reference is disposed of for want of prosecution as the workman's Advocate has represented that the dispute has been settled between the workman and the management.

The workman Ram Dayal Singh is therefore not entitled to any relief.

B.G. SAXENA, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3417.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकाता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 को प्राप्त हुआ था।

[सं. एल-42011 (4)/79-I-II (बी)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi the 29th November, 2001

S.O. 3417—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal / Labour Court Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 28-11-2001

[No. L-42011(4)/79-I. II(B)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL
AT KOLKATA

Reference No. 24 of 1980

Parties : Employers in relation to the management
of F.C.I.

AND

Their workmen

Present :

MR. Justice Bharat Prasad Sharma
.....Presiding Officer

Apperance :

On behalf of Management (Personnel)
On behalf of Workmen None

State : West Bsengal Industry : Food Coropn.

AWARD

By Order No.L-42011(4)/79-I.II(B) dated 11 April, 1980 the Central Government in exercise of its powers under saction 10(1)(d) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Food Corporation of India, 16-20, Barakhamba Lane, New Delhi. in amending the Staff Regulations, 1971 to provide for direct recruitment of Assistant Managers (General/Depots) is legal, proper and justified in the circumstances ? If not, to what relief are the employees entitled ?"

2. When the matter is taken-up today, representative of the management states that the present reference has been quashed by the Hon'ble Calcutta High Court in C.O. No. 6292(W) of 1983. He also files a copy of the order of the Hon'ble High Court as reported in 2000(2) C.H.N. 727 and prays for disposal of the reference accordingly.

3. It has been held by the Hon'ble High Court that the reference to the Tribunal was incompetent and quashed the reference. In this view of the matter, the present reference is disposed of in terms of the order of the Hon'ble High Court of Calcutta.

B.P. SHARMA, Presiding Officer

Dated, Kolkata,

The 7th November, 2001.

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3418.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 को प्राप्त हुआ था।

[सं. एल-22012/187/2000-आईआर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 29th November, 2001

S.O. 3418.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal / Labour Court Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22012/187/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Wednesday, the 21st November, 2001

Present: K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 579/2001

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of

Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between Sri M.Singaravelu and the Management of Food Corporation of India , Chennai.)

BETWEEN

The Regional Secretary, : I Party/Claimant Food Corporation of India Employees

Union, Chennai.

AND

The Senior Regional Manager, : II Party/ Management Food Corporation of India , Chennai.

Appearance:

For the Claimant : Unrepresented.

For the Management : Sri M.Imthiyas, Advocate

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No.L-22012/187/2000-IR(C-II) dated 16.04.2001.

On receipt of records from the Ministry of Labour, Govt. of India, the case has been taken on file as I.D. No. 579/2001 and notices were sent to the Regional Secretary for the I Party/Union and the Senior Regional Manager for the II Party/Management, with a direction to appear before this Tribunal on 15.05.2001 and to file the Claim Statement as well as the Counter Statement respectively.

The notices sent by this Tribunal by Registered Post with acknowledgement due directing both the parties to appear before this Tribunal on 15.05.2001 were duly served on them and the concerned postal acknowledgement has been received by this Tribunal. On 15.5.2001, the I Party/Union Representative, the Regional Secretary of Food Corporation of India Employees Union, Chennai and the II Party/Management representative Mr. K. Prakasam, Assistant Manager appeared. On request of the I Party/Claimant, the Regional Secretary of the Union, the case was adjourned to 8.6.2001, granting time till then for the I Party/Union to file their Claim Statement. Subsequently, though the case has been adjourned to various dates and posted as last chance on 31.7.2001 for the I Party/Union to file their Claim Statement. In none of the hearings, the Petitioner Union representative has chosen to present and file Claim Statement on behalf of the I Party/Union. But on all those days, the II Party/Management representative alone was present. Having seen that the I Party/Union evinced no interest to file a Claim Statement and to prosecute this case for this Tribunal to adjudicate this industrial dispute and the representative of the II Party/Management alone was present, the II Party/Management was informed to make their representation in respect of this industrial dispute raised against them and the matter was adjourned to

16.08.2001. At the request of the counsel for the II Party/Management, time was extended for filing the statement of objection by the II Party/Management for the claim of the I Party/Union mentioned in the referred industrial dispute. On 17.9.2001, statement of objection by the II Party/Management has been filed. On the subsequent hearing, the xerox copy of the II party/Management Staff Regulation and Bye Laws of the Food Corporation of India Employees Union have been filed. Then the arguments advanced by the learned counsel for the II Party/Management objecting to the relief claimed by the I Party/Union in the industrial dispute mentioned in the Schedule of Reference was heard.

The matter was stood over for my consideration till this date, and on perusal of the relevant records, Ministry's order of reference as an industrial dispute between the parties and after considering the objections of the II Party/Management mentioned in detail in the statement of objections and the two documents filed by them and after considering the arguments advanced by the learned counsel for the II Party/Management, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether non-regularisation and termination of Sri M.Singaravelu by the management of Food Corporation of India, Chennai is legal and justified? If not, to what relief the workman is entitled?”

2. The I Party/Food Corporation of India Employees Union has raised this dispute through its Regional Secretary espousing the cause of the concerned workman Sri M. Singaravelu and thereby questioned the validity of action of the II Party/ Management/Food Corporation of India, Chennai in non-regularising the service of the concerned workman and also the termination of the concerned workman's service. As per the Schedule of Reference of this industrial dispute, the I Party/Union has stated that the said action of the II Party/Management against the concerned workman Sri M. Singaravelu is illegal and unjustified. But inspite of sufficient opportunities have been given by granting two and half months time by adjourning this case to various dates of hearing, the I Party/Union has not chosen to file their claim on behalf of the aggrieved workman Sri M. Singaravelu in respect of this referred industrial dispute.

3. The Respondent/Management has filed a statement of objections alleging that the action of the Management in terminating the services of the concerned workman Sri M. Singaravelu from the service of the Respondent/Management is valid and justified.

4. The point for my consideration is—

“Whether the action of the II Party/Management of Food Corporation of India, Chennai in terminating the services of Sri M-Singaravelu is legal and justified? If not to what relief the concerned workman is entitled?”

Point :—

In spite of several opportunities were given to the I Party/Union, they have not chosen to file their Claim Statement in respect of the dispute they have raised against the II Party/Management as it is referred to in the Schedule of Reference by the Ministry of Labour by its order dated 16.4.2001. The II Party/Management alone has filed statement of objection for the relief claimed by the I Party/Union on behalf of the concerned workman mentioned as an industrial dispute in the Schedule of Reference. As it is seen from the statement of objection filed by the II Party/Management, the concerned workman Sri M. Singaravelu for whom this industrial dispute has been raised by the I Party/Union for regularisation of his service and also reinstatement of the concerned workman by the Respondent/Management since the concerned workman has been terminated from service. The concerned workman was working as a Scavenger in the II Party Organisation. As per the rules and regulations of the Union, the permanent employees of Food Corporation of India alone can become a member of the I Party/Union. The concerned employee Sri M. Singaravelu is not a permanent employee of the Food Corporation of India and no appointment order has been issued by the Respondent/Management to the concerned workman Sri M. Singaravelu. In view of this fact, the I Party/Union has no loco standi to maintain the dispute of the workman Sri M. Singaravelu. The concerned workman was engaged as scavenger as and when required in Food storage Depot at Thanjavur. The above depot was running a higher godown and the same was de-hired on 20.8.99. In view of that there was no necessity for engaging part-time scavenger and hence the services of the concerned workman Sri M. Singaravelu was not utilised anymore by the II Party/Management. Further there is no sanctioned post of Scavenger in Food Corporation of India and the concerned workman was engaged only as a part-time worker as scavenger as and when required and there was no order of appointment issued to him. Hence, there is no question of regularisation of his service as a scavenger in the Respondent/Management. As per circular issued by the Headquarters of the II Party/Management dated 2.5.86 no casual labour is to be engaged after the cut off date on 2.5.86. The recruitment of staff in Food Corporation of India is governed by rules and regulations. Since Sri M. Singaravelu was engaged as part-time worker for the work scavenging as and when such service was required, he cannot claim any permanent post, since there is no post

of scavenger in Food Corporation of India. In view of this and in the absence of any statement has been filed by way of claim by the I Party/Union on behalf of the concerned workman, this industrial dispute has to be dismissed as devoid of merits.

5. It is seen from the two documents filed by the II Party/Management as FCI Staff Regulation regarding post and general administration cadre, there is no sanctioned post for the II Party/Management in the category of Scavenger but there is a sanctioned post of Sweeper Labour/cleaning gang, godown watchman, stitcher, dusting operator, picker etc. No category of scavenger is mentioned in the list of staff in that document. The 2nd document is the xerox copy of the bye-laws of the Food Corporation of India Employees Union. It is clearly stated that any employee of the Food Corporation of India in any capacity below the level of Deputy Manager, who is eligible to become an ordinary member of the Union. To disprove the averment in the statement of objection by the II Party/Management, no plea or evidence has been let in by the I Party/Union and no step has been taken by the Union to prosecute this dispute before this Tribunal pressing their claim on behalf of the concerned workman. Under such circumstances, it remains that the objection raised by the II Party/Management by way of statement of objection as un rebutted and the claim made by the Union on behalf of the concerned workman Sri M. Singaravelu as an industrial dispute as mentioned in the reference cited as unproved. In the absence of any plea as well as evidence in support of the claim made by the I Party/Union on behalf of the concerned workman Sri M. Singaravelu, when especially statement of objection has been filed by the Respondent/Management objecting to the relief claimed, this Tribunal had no other option but to hold that the relief claimed by the Petitioner/Union has not been proved and established to pass an award in their favour granting the relief as mentioned in the Schedule of Reference in the industrial dispute. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the concerned workman Sri M. Singaravelu is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 21st November, 2001.)

K. KARTHIKEYAN, Presiding Officer

WITNESSES EXAMINED:

On either side : None

DOCUMENTS MARKED:

On either side : Nil

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3419.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 को प्राप्त हुआ था।

[सं. एल-22012/193/98-आई आर (-2)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th November, 2001

S.O. 3419.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 28-11-2001

[No. L-22012/193/98-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR.
PRESENT SHRI B.G. SAXENA, PRESIDING
OFFICER.

REFERENCE NO : CGIT : 109/2000

THE SUB AREA MANAGER, W.C.L.

AND

SHRI SATYANARAYAN NARSAIYA MANNALA
AWARD

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by Clause (d) of Sub Section (1) and Sub section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No : L-22012/193/98/IR (CM-II) dated : 18-11-98 on the following schedule.

“Whether the action of the management namely Sub Area Manager, Sasti Sub Area of WCL, Distt. Chandrapur in terminating the services of Sh. Satyanarayan Narsaiya Mannala. Ex-Gr. I Clerk Sasti Sub Area w.e.f. 18-01-98 is legal, proper and justified? If not, to what relief the workman concerned is entitled? What other directions are necessary in the matter?”

Sh. Satyanarayan Narsaiya Mannala had submitted statement of claim on 22-03-99 at Central Government Industrial Tribunal No. : II at Mumbai. This reference was transferred by Government of India, Ministry of Labour vide order dated 02-03-2000.

The workman has claimed that he was appointed in WCL on 22-11-80. He was promoted as Clerk Gr. I.

On 24-07-97 the chargesheet was issued against him, the workman was charged for not maintaining Account Ledger and other relevant records of despatches in respect of road releases of coal in Gouri Sub Area of WCL. In the month of April, 96, excess quantity of coal was released against the release order mentioned in the Chargesheet dated 24-07-97. This act amounts to misconduct under certified standing order No : 26.1 and 26.5 by which the services of the workman were governed.

26.1 theft, fraud or dishonesty in connection with the employers business or property.

26.5 will full neglect of work. The workman was allowed 72 hours time to reply the Charges mentioned in the Chargesheet.

The workman submitted reply to the Chargesheet on 28-7-97 and denied the charges. He mentioned that irregularities were committed by other Clerks such as mistake of Weighbridge Clerk in releasing excess coal. The workman further stated that the enquiry was conducted in haste. It was concluded exparte. The enquiry continued from 26-8-97 to 11-12-97. About 18 sittings were held during the enquiry proceedings. He filed an appeal on 23-1-98 against his dismissal order. The workman says that his termination from service is illegal. He claimed reinstatement with full backwages. In Written Statement the management has mentioned that the enquiry was conducted fairly. The Enquiry Officer adjourned the hearing several times on the request of the workman. Some documents were in the custody of Vigilance Department at Nagpur and the workman was allowed to inspect the original documents at Head Quarter at Nagpur on 11-12-97. On this date the workman and his defence representative did not turn up, so the enquiry was concluded. The Enquiry Officer submitted his report to the disciplinary authority on 24-12-97. The management says that the enquiry was conducted fairly and the workman was provided opportunity to produce his defence. Co-worker S. Luxman Sadalwar and after that R.K. Singh was also allowed to help him in the enquiry proceedings. The charges framed against the workman, Satyanarayan N. Mannala were proved and his service was therefore terminated from 18-1-98.

S.N. Mannala submitted affidavit on 28-8-2000. He was cross examined on 19-12-2000 and 05-02-01 by the counsel of WCL.

From the side of management the affidavit of R.D. Parashar, Deputy Chief Personal Manager and M.N. Ali, Enquiry Officer were submitted. R.D. Parashar was cross examined by the counsel of the workman on 05-07-01. M.N. Ali was also cross examined on 05-07-01. The workman in this case is represented through counsel Shri R N. Sen. The management of WCL. is represented through advocate B.N. Prasad.

Both the parties have submitted documents.

The counsel for the workman and the counsel for the WCL submitted their Written Arguments. The counsel for the parties did not prefer to argue the case orally.

I have considered the entire Oral and documentary evidence on record and the Written Arguments filed by the advocates of both the parties.

Shri B.N. Prasad, advocate for the WCL has reported on 22-10-2001 that there is no stay order in the reference No: 109/2000 of this Court which is being disposed of by this order. He also stated that no writ has been filed in any High Court or any Superior Court by workman S.N. Mannala concerning the present reference.

In his Statement of Claim filed by the workman on 22-03-99, he has mentioned that he has denied the charges. He further says that he had also brought on record before the Enquiry Officer certain other difficulties with respect to the performance of his work i.e. maintaining Accounts Ledger and other relevant records connected with coal despatches. He had also reported about the irregularities committed by other Clerks such as : mistake of weigh bridge Clerk. He has therefore stated that the excess quantity of coal was released in the month of April, 96. He stated in Statement of Claim that excess quantity of coal was released due to the mistake of weigh bridge Clerk. Thus it is admitted to the workman that the excess quantity of coal was released from the colliery in the month of April, 96.

S.N. Mannala was chargesheeted by the Manager Open Cast Project vide Chargesheet No : WCL/BA/SSA/SOCP/MGR/1034 dated : 24-07-97.

The Enquiry Officer has mentioned in his enquiry report dated 24-01-97 that on the basis of the documentary and oral evidence produced before him during the enquiry, he was of the opinion that S.N. Mannala has not discharged his responsibility properly in maintaining the records of the despatches in respect of road releases and failed in ensuring that the despatched quantity did not exceed the quantity in the release order. Due to this negligence excess quantities were released against the following release orders.

Release Order	Excess Quantity Passed (MT)
70622	0.360
70623	24.120
70613	18.720
70620	63.370
70969	26.260
67951	17.530
69412	75.200
69603	34.370
70638	61.170

The Enquiry Officer has further mentioned that S.N. Mannala, workman miscalculated the excess quantity of the coal issued to the parties against Release Order No : 67951 & 70638 and had given benefit of 75 Metric Ton coal to the party concerned and caused loss to the company. The charges of standing order Clause 26.1 and 26.5 have been clearly proved against the workman.

The Deputy General Manager vide his order No : WCL/BA/SSA/262 dated 18-01-98 confirmed the finding of the Enquiry Officer. The Deputy General Manager has mentioned that all the charges have been proved against S.N. Mannala, Assistant Loading Inspector. Considering gravity of the charges of fraud and dishonesty in connection with the company's business and property and willful neglect of the work, Satyanarayan N. Mannala should be dismissed from the service of the company.

In his statement in the Court Shri S.N. Mannala has admitted that he has submitted the reply of the Chargesheet dated 24-07-97. He also admitted in his letter that he was maintaining the record of checking of road release. He had to sit with the weigh bridge clerk but he was doing work in the office of Dadaji Shrirang, Loading Superintendent. Whenever he got to time he went to the weigh bridge for balance checking. Sometimes he was not going to weigh bridge for balance check. The weigh bridge clerk had prepared the Gate Pass but had not mentioned the entry in Account Ledger. The balance of coal released was not checked by him. In the above letter submitted by the workman in reply to the Chargesheet he admitted that he had committed irregularity and excess coal was released from the mine. When it came to his mind he submitted report to the management. Thus from this letter it is admitted to the workman that the excess quantity of the coal was released from the mine against the Release Orders mentioned in the Chargesheet. The workman has not disputed the excess release of the coal to various parties mentioned in the Chargesheet. He has also not disputed about the loss caused to the company by the excess release of the coal in the month of April, 96 on different dates.

The workman has in his Statement of Claim only challenged the enquiry proceedings on this ground that the enquiry was conducted ex parte. The enquiry was completed by the Enquiry Officer on 11-12-97 when he was not present. The workman has taken the plea that his cousin brother had died and he had informed to Shri R.D. Parashar on 10-12-97 that he will not attend the enquiry on 11-12-97 even then the enquiry was completed.

The statement of R.D. Parashar, Deputy Chief Personnel Manager was recorded on 05-07-2001. Shri R.D. Parashar stated that S.N. Mannala had not given any information to him about the death of his cousin brother on 10-12-97. He had also not informed him that he was unable to attend the enquiry proceedings on 11-12-97 at WCL Head Quarter in Nagpur.

Shri M.N. Ali, Enquiry Officer has stated that as many as eighteen dates were fixed for the enquiry proceedings. S.N. Mannala was very well aware that on 11-12-97 the sitting of the enquiry proceedings will be held at WCL Head Quarter at Nagpur. This date was fixed with the consent of the workman S.N. Mannala and his defence representative. The workman had himself requested that he wanted to see some Original Documents which were available in the Vigilance Department of WCL at the Head Quarter of WCL in Nagpur. The workman himself absented knowingly to prolong the proceedings of enquiry without any justification.

The workman has himself admitted in his Statement of Claim that the eighteenth sitting of the enquiry was held on 06-12-97. The workman had no objection when the date was fixed for the next hearing on 11-12-97 at WCL Head Quarter at Nagpur.

In his statement the workman S.N. Mannala himself admitted that the sitting of the enquiry was fixed at Nagpur on 06-12-97 and he was aware that on 11-12-97 the enquiry will be conducted at WCL Head Quarter at Nagpur.

In the Statement of Claim the workman has not mentioned the name of his cousin brother who is alleged to have died before 11-12-97.

In his affidavit dated 26-07-2000 also the workman did not mention the name of his cousin brother who is alleged to have died before 11-12-97. On the date of 18th sitting of enquiry of 06-12-97 he did not move any application that his cousin brother has died and any other date after 11-12-97 be fixed for holding enquiry at Nagpur. The workman has not mentioned anywhere in his statement in this Court as to when his cousin brother died. Neither the name of the cousin brother is disclosed nor the place where he died was mentioned in the Statement of Claim or in the affidavit filed in the Court by the workman.

The counsel for the WCL has argued that no cousin brother of the workman has died any time before 11-12-97. The workman knowingly absented on 11-12-97. So the enquiry was concluded by the Enquiry Officer.

In these circumstances discussed above the argument of the counsel for WCL has force.

The workman S.N. Mannala had been given sufficient time to submit his defence. Co-worker R.K. Singh was also helping him in the enquiry proceedings on his request. On 11-12-97 the co-worker also did not appear before the Enquiry Officer to inspect any record or to defend the workman during the enquiry proceedings.

In the above circumstances the enquiry conducted by the Enquiry Officer, M.N. Ali was not an ex parte enquiry.

The statement of M.N. Ali also shows that he had given full opportunity to the workman to participate in the enquiry proceedings. The enquiry proceedings were adjourned several times either on the request of workman or his defence representative. The workman was also

provided opportunity to cross examine the witnesses of the management but he himself avoided to cross examine them. All the relevant documents were supplied to the workman to enable him to defend himself in the enquiry proceedings.

In the above circumstances and evidence on record the enquiry was conducted according to the principles of natural justice.

The finding of the Enquiry Officer are based on the documents and oral evidence produced before him by both the parties. The finding of the Enquiry Officer cannot be considered perverse.

So far as the question of awarding the punishment of dismissal from services of the workman is concerned, I have considered the arguments submitted by both the parties.

The workman has mentioned in Statement of Claim that this past record was clean and this record has not been considered.

The workman has also stated in the Statement of Claim that the parties which had lifted the excess coal from mine, have already paid the amount of the excess coal supplied to them and the management has therefore not suffered any loss. I have considered the above fact. The workman was holding the responsible post and it was his duty to ensure that the records concerning the release of the coal to the parties were properly maintained. It was also the duty of the workman S.N. Mannala to ensure that the excess quantity of coal is not despatched than that was mentioned in the release orders. The workman was holding the post of Assistant Loading Superintendent. He did not check the quantity of coal supplied to the parties with the release orders in April, 96. As many as in 9 cases the excess quantity of coal was supplied to the parties as mentioned in the Chargesheet. The workman has tried to shift the responsibility on other clerks. He himself did not maintain the record concerning the supply of the coal properly and thereby caused loss to the WCL Coal Mine. He was therefore found guilty of the charges under Clause 26.1 and 26.5 of the Standing Orders.

In view of the above facts the action of the management in dismissing the workman from service was justified.

ORDER

The action of the management namely Sub Area Manager, Sasti Sub Area of WCL, Distt : Chandrapur in terminating the services of Shri Satyanarayan Narsaiya Mannala, Ex-Gr. I Clerk, Sasti Sub Area w.e.f. 18-01-98 is legal, proper and justified.

The workman is not entitled to any relief claimed by him.

The reference is answered accordingly.

No other directions are necessary in this matter.

Date : 07-11-2001 B.G. SAXENA, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3420.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 प्राप्त हुआ था।

[सं. एल-22012/231/2000-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th November, 2001

S.O.3420.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 28-11-2001

[No. L-22012/231/200-IR (C-II)]

N.P. Kesavan, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
LUCKNOW

PRESIDING OFFICER : RUDRESH KUMAR

ADJUDICATION

I D. NO. 68/2001

Ref. No. L-22012/231/2000/IR(C-II)

Dated 25-4-2001

BETWEEN :

State Secretary.

Bhartiya Khadya Nigam Karamchari Sangh.

5-6. Habibullah Estate.

Hazratganj.

Lucknow (espousing cause of Ishrat Hussian)

AND

The Regional manager.

Food Corporation of India.

5-6 Habibullah Estate.

Hazratganj.

Lucknow.

AWARD

By order No. L-22012/231/2000/IR(C-II) dated 25-4-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the State Secretary, Bhartiya Khadya Nigam karamchari Sangh, Lucknow and the Regional Manager, Food Corporation of India, Lucknow for adjudication.

The reference is produced as under :

“Whether the action of the Management of FCI in imposing the penalty upon Shri Ishrat Hussain A.G.-II (Depot) vide order dated 30-11-1999 and 5-2-2000 is legal and justified? If not what relief the workman is entitled to?”

2. On receipt of this reference order, notices were sent to the parties fixing 20-6-2001. The workman was directed to file claim statement. There being no response from the side of the workman 25-7-2001 was fixed and fresh notice was given. On behalf of the workman one Mr. Gyan Prakash appeared and filed adjournment application. On 25-7-2001 another adjournment application was filed by Mr. T. B. Singh Authorised representative of the workman. On 28-7-2001 Mr. T.B. Singh appeared and requested for further time which was allowed and 15-10-2001 was fixed for filing claim statement. On 15-10-2001 Mr. T. B. Singh or any other Authorised representative of the workman did not put appearance. However, in interest of justice another date 2-11-2001 was fixed. On 2-11-2001 also the Authorised representative of the workman absented and 23-11-2001 was fixed making it clear in the order that in the event of non filing claim statement, appropriate action permissible under law would be taken. More than six months time elapsed but the claim statement on behalf of the workman was not filed. Accordingly, there is not option but to presume unwillingness of the workman to pursue this industrial dispute any further.

3. Accordingly, ‘No Claim Award is given without entering into merit of the case.

RUDRESH KUMAR, Presiding Officer

LUCKNOW

23-11-2001

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 प्राप्त हुआ था।

[सं. एल-22012/263/98-आईआर-(सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th November, 2001

S.O. 3412.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 28-11-2001

[No. L-22012/263/98IR(C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
LUCKNOW

PRESIDING OFFICER : RUDRESH KUMAR

ADJUDICATION

I. D. NO. 127/2000

(KANPUR NO. 110/99)

Ref. No. L-22012/263/9-/IR(CM-II)

Dated 11-6-1999

BETWEEN :

The State Secretary,

Bhartiya Khadya Nigam Karamchari Sangh,

5-6, Habibullah Estate,

Lucknow (espousing cause of Aman Singh)

AND

Senior Regional manager,

Food Corporation of India,

Lucknow

AWARD

By order No. L-22012/263/98/IR(CM-II) dated 11-6-1999, the Central Government in the Ministry of Labour, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the State Secretary, Bhartiya Khadya Nigam Karamchari Sangh, Lucknow and Senior Regional Manager, Food Corporation of India, Lucknow to the CGIT-cum-Labour Court, Kanpur for adjudication. Later, this dispute was transferred to this Tribunal for adjudication.

The reference is produced as under :

"Whether the Senior regional Manager, Food Corporation of India, Lucknow was legal and justified in imposing the Penalty of Stoppage of one Increment for the year 1996(1995) with cumulative effect upon Shri Aman Singh A.G.I.D.) vide order Dated 31-8-1994? If not to, what relief the workman entitled?"

2. Validity of penalty in the shape of stoppage of one increment 1996(1995) with cumulative effect, upon the workman, Aman Singh is to be examined in this adjudication. Facts of this case are not dispute that Aman Singh was AG-I(D) on 10-2-1993 when he was issued a charge sheet by the disciplinary authority vide memorandum No. V&S/4(744)/R.O.L.ko/JHS/91/1046 dated 10-2-1993 Statement of imputation misconduct or misbehaviour in support of article of charges framed against Aman Singh was annexed with the memorandum. Annexure 1 of the memorandum reads the article of charges as follows:

Shri Aman Singh, AG-I(D) while posted and working as Incharge Shed No. 4 at FSD, Jhansi during

1986-87, failed to maintain absolute integrity and devotion to duty and acted in a manner of unbecoming of a FCI employee inasmuch as detailed below:—

Shri Aman Singh AG-I (D) dispatched 33 wagons wheat mixed with damaged grains and below "D" category Ex. Jhansi to FSD, Darangapalli (Kerala Region) during the period 24-8-87 to 30-8-87 which caused losses to the tune of Rs. 2,53,251.20.

Thus, said Shri Aman Singh, AG-I (D) has contravened Regulations, 31,32 and 32-A of FCI (Staff) Regulations, 1971.

3. Sri Chandan Gopal, IAS (Retd.) was appointed Enquiry Officer to investigate the charges. He submitted his report on 8-4-1994 to the management. His conclusion was that charges against the workman, Aman Singh, remained unproved.

4. Thereafter, by memorandum No. V&S/4 (744)/RO. LKO/JHS/91/453 dated 15-4-1994, the Dy. Manager (Vigilance) signing for the Senior Regional Manager directed the Aman Singh to make any representation or submission to the disciplinary authority within 15 days of receipt of this memorandum. Copy of the enquiry report was enclosed with this memorandum and its receipt by the workman is not disputed. Since the enquiry was in favour of workman and so, the workman did not file any representation to prove his innocence. Later, by order no. V&S/4(744)/RO. LKO/JHS/91/102 dated 31-8-1994, The Senior Regional Manager K.K. Sinha passed penalty order exercising his powers conferred by Regulation 56 of FCI (Staff) Regulations, 1971 and imposed penalty of stoppage of one increment for the year 1995 with cumulative effect. The order discussed the enquiry report and it is explicit that the disciplinary authority, the Senior Regional Manager, did not agree with the findings recorded by the Enquiry Officer and formulated his own views without hearing the workman.

5. The management submitted enquiry file for perusal of this tribunal. A preliminary issue was framed "whether the domestic enquiry against the workman culminating in penalty dated 31-8-1994 was fair and proper? The parties adduced documentary evidence but none of the parties preferred oral evidence, as the facts are not disputed and the parties relied on documentary evidence on record.

6. The only question, in this adjudication, is, whether the enquiry was fair and proper and, if in affirmative, whether action of the management by way of penalising the workman suffers with vice of perversity. None of the parties challenged propriety of the Enquiry Officer in conducting the enquiry. The workman has not denied opportunity to him and likewise, the management also, did not dispute that the Enquiry Officer was biased. His findings were in favour of the workman. The real controversy needed to be assessed, is, whether the disciplinary authority acted in accordance with law in not detailing points of dis-agreement in its notice to the

workman inviting representation by way of memorandum dated 15-4-1994? After the conclusion of the enquiry, a copy of report was sent to the workman requiring him to submit representation if any. But this letter does not mention as whether the disciplinary authority dis-agreed with the findings arrived at by the Enquiry Officer. Since the enquiry was in favour of the workman he was justified in not making any representation. The very notice without giving points of disagreement was not legal and proper, since it denied the workman to make any effective representation on the points of disagreement, which ultimately went against him.

7. No doubt, the disciplinary authority is not bound by the findings arrived at by the Enquiry Officer but rule of natural justice required an opportunity to the workman to explain evidence on record or points of disagreements on which disciplinary authority ultimately relied. In the present case, the enquiry was in favour of the workman. No points of disagreement was ever conveyed to the workman. The penalty order was passed without giving any opportunity to the workman to explain points of disagreement. It was mandatory for the disciplinary authority to have given proper opportunity to the workman to explain points of disagreement and explain circumstances, which were against him in his estimation. Non-compliance of this legal requirement, definitely, effected fairness of the enquiry which culminated into punishment to the workman. In Ram Kishan Vs Union of India (Civil Appeal 8325 of 1995) decided on September 1, 1995 the Supreme Court observed as follows"

"In the absence of any ground or reason in the show cause notice it amounts to an empty formality which would cause grave prejudice to the delinquent officer and would result in injustice to him. The mere fact that in the final order some reasons have been given to disagree with the conclusions reached by the disciplinary authority cannot cure the defect."

8. The observation of the Hon'ble Supreme Court supports submissions of the workman that he was denied opportunity of fair enquiry.

9. Thus, in the facts and circumstances of the case, it is held that the enquiry was not fair and proper and the action of the disciplinary authority was against the rule of natural justice by denying opportunity to the workman. Accordingly, the award is against the management. The punishment order is set aside.

RUDRESH KUMAR, Presiding Officer
LUCKNOW
21-11-2001

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3422.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 प्राप्त हुआ था।

[सं. एल-22012/476/98-आईआर(सी-11)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th November, 2001

S.O. 3422.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 28-11-2001

[No. L-22012/476/98-IR(C-11)]

N.P. KESAVAN, Desk Officer

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर

प्रकरण संख्या :—सी.आई.टी./जे-45/99

आदेश संख्या :—एल-22012/476/98/आई.आर.

(सी. एम.-11) दिनांक 30/7/99

केदार भीणा पुत्र श्री मोरपाल भीणा,

मार्फत : श्री संतोष भटनागर, 18 अर्जुनपुरी,

इमलीवाला फाटक, सिद्धार्थ मोटर्स के पास,

जयपुर-5

-----प्राथी

बनाम

1. फुड कारपोरेशन ऑफ इंडिया,

जरिये मैनेजर/क्षेत्रीय प्रबंधक,

फुड कारपोरेशन ऑफ इंडिया,

डो-39, सुभाष मार्ग, सी-स्कीम, जयपुर।

2. जिला प्रबंधक, फुड कारपोरेशन ऑफ इंडिया, मंगल भवन,

भीमगंज मंडी, कोटा (राजस्थान)

3. मैनेजर, डिपो

फुड कारपोरेशन ऑफ इंडिया, बफर काम्पलेक्स सवाई माधोपुर

(राजस्थान)-----अप्रार्थीगण

उपस्थित :

प्राथी की ओर से—कोई नहीं

अप्रार्थी की ओर से—कोई नहीं

पंचाट दिनांक—17/10/2001

पंचाट

केन्द्रीय सरकार के द्वारा निम्न औद्योगिक विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में, अधिनियम, 1947 कहा गया

है) की धारा 10 की उपधारा (1) के खंड-डी व उपधारा 2-ए के अंतर्गत न्यायनिर्णयन हेतु इस अधिकरण को निर्देशित किया गया :—

“Whether the action of the Food Corporation of India management in not regularizing the workman Sh. Kedar Meena was appropriate, whereas workers who has put less number of days service were given permanent appointment ? If not, to what relief is the workman entitled ?

प्राथी की ओर से स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया जिसका जवाब विपक्षी की ओर से प्रस्तुत किया गया। दोनों पक्षकारों के न आने के कारण दिनांक 2/8/2000 को विवाद रहित पंचाट पारित किया गया। तत्पश्चात प्राथी के आवेदन पर आदेश दिनांक 2/7/2001 द्वारा उक्त पंचाट दिनांक 2/8/2001 को निरस्त किया गया व प्रकरण को पुनः दर्ज किया गया तथा कार्यवाई प्रारंभ की गयी। दिनांक 25/9/2001 को प्राथी की साक्ष्य हेतु पत्रावली भिजवत की गयी। उस दिन न तो प्राथी अथवा उसका प्रतिनिधि उपस्थित आया व न कोई साक्ष्य प्रस्तुत की गयी। अप्राथी की ओर से भी कोई नहीं आया। ऐसी परिस्थितियों में यह प्रतीत होता है कि प्राथी को क्लेम में कोई रूखी नहीं है। अतः विवाद रहित पंचाट पारित किया गया है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम 1947 की धारा 17 की उपधारा (1) के अंतर्गत प्रकाशनार्थ प्रेषित की जाये।

ह./अपठनीय
पीठासीन अधिकारी

नई दिल्ली, 29 नवम्बर, 2001

का.आ. 3423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल के प्रबंधनंत्रक संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 29th November, 2001

S.O. 3423.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22025/25/2001-IR (C-II)]

N.P. KESAVAN, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, CUM LABOUR
COURT AT HYDERABAD**

Present

Shri E. ISMAIL

Presiding Officer

Dated —25th October, 2001

Industrial Dispute L. C. I. D. No. 19/2001

Between :

Sri Kodi Murali Krishna
S/o Durgaiah,
H. No. DA/779, Nehru Basthi,
P.O. Ramavaram, Mandal
Kothagudem, Dist. Khammam.
PIN-507 118. . .Petitioner

AND :

1. The General manager,
M/s. S.C.Co.Ltd.,
Kothagudem,
Dist. Khammam.
2. The Colliery Manager,
M/s. S.C.Co. Ltd.,
V.R. 7 Incline,
Kothagudem,
Dist. Khammam. . .Respondents

Appearances :

For the Petitioner : Smt. Sathwath Rana

For the Respondent : Sri J. Parthasarathy & Sri A.
Chandra Sekhar

AWARD

This is a case taken Sec.2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. It is submitted that the petitioner was appointed as badli worker w.e.f. 1-3-1985 and due to his satisfactory performance he was appointed as general Mazdoor in category-I w.e.f. 1-3-1991 through office order No. GM(K)/Admn. 80/313 dated 28-2-1991.

3. While the petitioner was working at V. K. No. 7 Incline he was removed from services through order Ref.No. GM(K)/P. and 7/623 dated 15-4-1991 on the pretext that the petitioner was charge sheeted on 3-2-1991 for alleged absenteeism from duty and that the charges levelled are true. The petitioner preferred an appeal and in spite of various representations through union and personally it was of no use. Hence a legal notice dated 14-11-2000 was issued with which a reply notice was issued dated 8-12-2000 that the principles of natural justice were followed as such the order of removal is valid.

4. That the charge sheet dated 3.2.1991 is not in accordance with law and as such not tenable. The

documents relied upon for leveling charge are not supplied. No fair and proper enquiry was conducted. Different yard sticks has been applied to him. The petitioner ever since his oral termination on 15-4-1991 is unemployed. Hence the petitioner may be directed to be reinstated with continuity of service, full back wages and all attendant benefits.

5. A counter was filed. It is correct that the Petitioner was appointed as badli filler w.e.f. 1-3-1985. The petitioner is put to strict proof that he was appointed as general mazdoor in category-I w.e.f. 1-3-1991. It is denied that vide office order mentioned the petitioner was appointed as general mazdoor in category-I. The said office order is not traceable in the office.

6. The petitioner was regularly absenting himself without permission and without leave to his credit. The brief muster days in various years is as follows:—

in 1987 - 29 days
in 1988 - 138 days
in 1989 - 50 days
in 1990 - 58 days
in 1991 - 15 days

upto February, 1991. It is pertinent to note that as per the agreement a badli worker or general mazdoor must have completed 240 musters in a calendar year. From the above it is clear that right from the year 1985 in no single year he has completed 240 days.

7. The petitioner attended the enquiry and fully participated in the enquiry proceedings. However the petitioner did issue a legal notice dated 14-11-2000 to which the respondent has given a reply. The said notice was issued after lapse of nine years. The petitioner has received all the benefits and payments that have to be paid to him on the application of the petitioner dated 14-5-1998. The charge sheet was strictly according to law and the enquiry was conducted strictly in accordance with the law. There was no oral termination. As it was stated earlier for five regular years he never put in minimum muster days, maximum being only 129. Hence, petition may be dismissed as the petitioner is not entitled for any relief.

8. The arguments were heard on validity of domestic enquiry and this court by its order dated 3-9-2001 held that the domestic enquiry held is valid. So the only question that is left is the quantum of punishment whether it is appropriate or not.

9. It is argued by the Learned Counsel for the petitioner that the petitioner worked as badli mazdoor from 1.3.1985 and also due to his satisfactory performance he was appointed as general mazdoor on 1.3.1991 through office order dated 28.2.1991. However, he was dismissed on 15.4.1991 for alleged absenteeism. He was orally terminated on 15.4.1991 and since then he is unemployed. Therefore, orders may be passed for his reinstatement with back wages etc.

10. It is argued by the Learned Counsel for the respondent that right from 1987 till 1991 the maximum No. of days he has worked in a year is 138 days in 1988, in 1989 he worked for 50 days and in 1990 for 58 days

and in 1991 for 15 days. So it may be seen that he is not interested in work and after a full-fledged enquiry only he was dismissed and this Hon'ble Court vide orders dated 3.9.2001 held that the domestic enquiry is valid. However, the petitioner has come after a gap of nine years and does not deserve any sympathy of the Court.

11. It may be noted that to show any leniency the past performance has to be seen, which is dismal. The maximum No. of days he has worked is 138 days in 1988. However, it is really surprising if the petitioner was appointed as general mazdoor seeing his performance of 50 days and 58 days in 1989 and 1990. Be that may be so, he also approached this Court after a gap of 9 years and from past performance it is clear that he is not a sincere worker. Hence, I am of the opinion that he does not deserve any relief. However, if there is work and the petitioner is available at the spot he may be given preference over others for appointment as badli worker. Reference ordered accordingly, Transmit.

Dictated to Kum K. Phani Gowri, Personal Assistant, transcribed by her corrected by me on this the 25th day of October 2001.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner:	Witness examined Respondent.
NIL	NIL
Documents marked for the Petitioner/Union	
NIL	
Documents marked for the Respondent	
Ex.M 1: Charge Sheet No.VK/CS/50/720 dt.3.2.1991 Standing Orders.	
Ex.M 2: Copy of Acknowledgement of Charge Sheet by the petitioner.	
Ex.M 3: Reply of the petitioner for the charge sheet	
Ex.M 4: Notice for enquiry No.VK/51/1094 dt.20.2.1991.	
Ex.M 5: Copy of Acknowledgement of notice received by the petitioner.	
Ex.M 6: Notice for enquiry No.VK/50/1664 dt. 9.3.1991.	
Ex.M 7: Copy of Acknowledgement of notice received by the petitioner of Ex.M6.	
Ex.M 8: Domestic enquiry proceedings.	
Ex.M 9: Enquiry Report.	
Ex.M 10: Lr. of Supdt. of Mines on enquiry report to the G.M., SCCL., Kothagudem.	
Ex.M 11: Dismissal order Lr. No.GM(K)/P 7/623 dt.13.4.1991.	
Ex.M 12: Legal notice by petitioner dt. 14.11.2000.	
Ex.M 13: Reply to legal notice by SCC Ltd., dt.8.12.2000.	

नई दिल्ली, 29 नवम्बर, 2001

AWARD

का. आ. 3424.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई. आर. (C-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th November, 2001

S.O. 3424—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management SCCL and their and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22025/25/2001-IR(C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR COURT
AT HYDERABAD

PRESENT Shri E. ISMAIL Presiding Officer

Dated:-25.10.2001

INDUSTRIAL DISPUTE No. L.C.I.D.No. 16 of
2001

Between.

Sri Abdul Hai.

S/o Abdul Baqui.

N. No. 1358, punjabgadda.

P O Ramavaram, Kothagudem.Petitioner

AND

The General Manager (P).

M/s. S.C Co. Lt.,

Manugur, Dist. Khammam.Respondent

Appearances

For the Petitioner : M/s. Smt. Satwath Rana & Sri
Mohd. Salahuddin

For the Respondent : M/s. Sri J. Parthasarathy &
Sri A. Chandrasekhar

This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3.8.1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. It is submitted that the petitioner was appointed as turner under the control of the respondent where he was attending his duties to the entire satisfaction of his superiors. The respondent issued charge sheet dated 29.11.1989 leveling charges of absenteeism from duty w.e.f. 26.6.1989 and from 23.12.1989. The petitioner was dismissed w.e.f. 18.11.1990 violating the principles of natural justice with the result that the same is illegal, invalid and not sustainable in law. The appeal preferred has not been disposed off and the petition was constrained to issue legal notice dated 12.11.2000 which is acknowledged on 20.11.2000 with no response till this date. That the petitioner was ill and he was treated in the hospital of S.C.Co. Ltd., and the intimation given from time to time. The Xerox copy of the prescription and the postal acknowledgement copies are enclosed along with the petition. The order of dismissal is passed without show cause notice which is violation of principles of natural justice. That the enquiry is vitiated and findings are not justified. The order of removal is therefore bad in the eye of the law and liable to be quashed. In spite of best efforts the petitioner could not secure alternate gainful employment and thus he is put to financial strain and mental agony. That the other persons have been reinstated. Hence this petitioner may be reinstated with continuity of service with full back wages and all attendant benefits in the interest of justice.

3. A counter was filed stating that the petitioner absented himself from 12.6.1989 to 12.12.1989 and again from 23.12.1989 to 23.5.1990 without prior sanction of leave or permission as per charge sheet dated 23.5.1990. The charge sheet was sent to his house, he refused to receive and it was returned back with postal department endorsement. Hence, the same was published in Telegu Daily newspaper Eenadu. He was directed to appear for enquiry on 18.6.1990. As the petitioner did not submit his explanation, the respondent ordered to conduct a detailed enquiry. The petitioner participated in the enquiry & a full and fair opportunity was given to the petitioner to defend his case and also for cross examination of management witnesses. As the charges were proved he was dismissed from service w.e.f. 18.11.1990. Further the petitioner has raised the dispute after a gap of 11 years. Further the company consists of one main hospital which is fully equipped and three area hospitals, one of which is located in Manuguru itself apart from dispensaries at various local places. Further there is a tie up with Osmania General Hospital and Nizam Institute of Medical Sciences

in case of a specialized treatment. So the allegations of the petitioner on the said ground are totally irrelevant apart from being incorrect. It is pertinent to note that the petitioner actually went to the hospital on 11.6.1989 as an out patient with shift No. 14997 and did not turn up for treatment from 12.6.1989. The charge is with regard to absenteeism and the petitioner is trying to justify by raising various untenable pleas. Further he has raised the dispute after a gap of 11 years shows his attitude towards his employment. Hence he is not entitled for any relief.

4. This Court by an order dated 16th August, 2001 held that the domestic enquiry held against the petitioner is valid. Now the only question is about the quantum of punishment as no witnesses are examined on behalf of the petitioner nor any documents marked on behalf of the petitioner.

5. It is argued by the Learned Counsel for the petitioner that Petitioner was dismissed for absenteeism violating the principles of natural justice. He was ill and therefore he could not attend. His absence was with justifiable cause. That he has produced medical certificate from Dr. R.R. Sharma for the period of his absence in the enquiry. Further his wife was not traceable and he was in search of his wife during the period from 20.6.1983 to 21.12.1989 and he also fell ill. He resumed duty on 22.12.1989, after handing over his wife to his parents. Therefore he submits that the absence of the petitioner was not wanton or without any reason. Hence he may be reinstated into service.

6 It is argued by the Learned Counsel of the respondent that the very fact that petitioner has approached the Hon'ble Court after a gap of almost 11 years, shows how sincere he is and this Hon'ble Court has already held that the domestic enquiry is valid. And he was dismissed after full-fledged enquiry. Therefore he may not be reinstated in service.

7. It may be seen that as per Ex.M6 the petitioner has received the charge sheet he has participated in the enquiry and the enquiry was held valid by this Court vide order dated 16.8.2001. The removal order is Ex.M8 dated 18.11.1990. Therefore it may be seen that all the formalities have been complied with and therefore ordering reinstatement after 11 years is not justified and the petitioner is not entitled to any relief. However, if there is any fresh recruitment or even temporary vacancies of turner are there the respondents shall give preference to petitioner being the ex-employee and experienced as turner subject to age and medical fitness. Award passed accordingly. Transmit.

Dictated to Kum K. Phani Gowri, Personal Assistant, transcribed by her corrected by me on this the 25 day of October 2001.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner:	Witness examined for the Respondent:
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NIL

NIL

Documents marked for the Petitioner/Union NIL

Documents marked for the Respondent

EX.MI: Standing Orders

Ex.M2: Copy of Memorandum of Settlement
dt. 3.3.1989

Ex.M3: Domestic enquiry proceedings

Ex.M4: Notification in Eenuadu

Ex.M5: Enquiry Report

Ex.M6: Copy of Acknowledgement of charge Sheet
by the petitioner

Ex.M7: Charge Sheet No.DE/MNG/E/1146

Exm8: Dismissal order Lr.No.PD/MGR/8/3023

नई दिल्ली, 29 नवम्बर, 2001

का. आ. 3425.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 प्राप्त हुआ था ।

[सं. एल-22025/25/2001-आईआर. (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 29th November. 2001

S.O. 3425.—In pursuance of Section 17 of the Industrial Dispute Act. 1947 (14 of 1947). the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22025/25/2001-IR(C-II)]

N.P. KESAVAN, Desk Officer.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT,
AT HYDERABAD
PRESENT
Shri E. ISMAIL
Presiding Officer
Dated : 24-10-2001
INDUSTRIAL DISPUTE L.C.I.D. No. 17 of 2001

Between:

Sri Noothi Ramakrishna, S/o Venkati,

H.No. 5-4-18, Coolie Line Basti,

Near S.B.H.,

Kothagudem-507 101.Petitioner

And

1. The General Manager,

M/s. S.C. Co., Ltd.,

Manguguru-507 117.

2. The Coliery Manager,

M/s. S.C. Co., Ltd.,

PK. 3 incline,

Manuguru.

Dist. Khammam.Respondents.

Appearances :

For the Petitioner M/s Smt. Satwath Rana & Sri Mohd. Salahuddin. For the Respondent: M/s Sri J. Parthasarathy, Sri V. Hariharan & Sri A. Chandrasckher

AWARD

This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3.8.1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts stated in the petition are: that the petitioner was appointed as a badli worker w.e.f. 14-10-1985. He was attending to his duties regularly without any complaint. While working at Manuguru the petitioner was issued charge sheet dated 28.7.1987 leveling the following charges, he have absented from duty without leave, sick or without prior permission from the undersigned w.e.f. 20-12-1986. That on 2-1-1990 the petitioner was prevented from joining duty on the pretext that his services were terminated orally which is illegal invalid and not sustainable in law. The appeal preferred is not disposed off inspite of repeated representations in person and through union. The petitioner therefore got issued legal notice dated 15-11-2000 to the first respondent

which is acknowledged on 20-11-2000 but was not replied. The charge sheet dated 28-7-1987 issued by the 2nd respondent is sent not in accordance with law and hence not tenable. The documents were not supplied to the petitioner, no fair and proper enquiry was conducted. Enquiry report was not submitted. That the petitioner is unemployed ever since his oral termination of 2-1-1990 and hence this Court may be pleased to set aside the oral termination of the petitioner on 2-1-1990 and direct the respondent to reinstate the petitioner with continuity of services, full back wages and all attendant benefits in the interest for justice.

3. A counter was filed stating that the petitioner was appointed in the company w.e.f. 22-10-1984 as badli coal filler. His attendance was very irregular, viz., as follows:

in 1985 - 91 days

in 1986 - 121 days

in 1987 - 22 days

4. Hence a charge sheet was issued which could not be served. Hence, a publication was made and ex-parte enquiry was made. And he was dismissed from services w.e.f. 16-6-1988 vide office order dated 15-6-1988. One month's notice pay was also sent to the residential address of the petitioner by way of money order which was also returned due to non availability of the addressee. The respondent also filed a petition under Sec.33 (2) of the I.D. Act seeking approval of the Industrial Tribunal for the dismissal of the petitioner wherein also he did not appear.

5. Be that it may be so, inspite of all this there was a memorandum of settlement dated 3-3-1989 with the union under Sec. 12 (3) of the I.D. Act Under Para 3 of the said settlement it was specifically agreed that as a gesture of goodwill, as it was a centenary year of the company, the management would review the cases of certain employees who had been dismissed for absenteeism on condition that they will be on trial for a period of 12 months and if there is no improvement during that period i.e., if the attendance is not more than 190 muster days in one calendar year, the order of dismissal on ground of absenteeism would automatically stand. Basing on that the petitioner was given an opportunity and reappointed in October, 1989. That the petitioner barely managed to put 9 days of muster of during the whole year and absconded again. Accordingly as he failed to fulfil minimum condition of the reappointment he automatically ceased to be employed from 1990. Hence the petition may be dismissed and a Nil Award may be passed.

6. It may be seen that there is some confusion which has to be set right now itself. The petitioner actually absented himself without leave of any kind or prior permission from 20-12-1986. Accordingly he was issued

a charge sheet dated 28-7-1987 and an enquiry was conducted and he was dismissed. Again in view of memorandum of settlement as it was a centenary year he was reappointed from October, 1989 as he has to put in only 9 days of attendance, the petitioner was not allowed to join duty from 2-1-1990. This Court by an order dated 21-8-2001 held that the domestic enquiry was validly conducted. So far as the original enquiry is concerned it was already held that the same is validly conducted. The petitioner has not let in any evidence to the contra of the assertion by the respondent that he was again reappointed due to settlement due to centenary year in October, 1989. In fact the respondent said that in one year he should put in at least 190 days or more of muster days. But, he has not. According to them he reported for more 9 days and actually there was no oral termination on 2-1-1990 and the petitioner has raised a dispute after a passage of 12 years and it was argued that he is trying to kick a dead horse. Hence, while the counsel for the petitioner submits that now respondent is speaking lies how can they terminate him orally from 2-1-1990 and the termination dated 2-1-1990 is bad in law. Once when they have taken him back as per the agreement which is marked as Ex.M12 as per Para 3A. The trial should have been for 12 months. No doubt his attendance may be only 9 days during October, November and December, 1989, but, he might have worked for 190 days if he was given a chance for a period of 12 months. Hence, he submits that he may be taken back into service with continuity of service, back wages, and all other attendant benefits etc.

7. The arguments were heard on the validity of domestic enquiry and by an order dt. 16th August, 2001 this Court held that the domestic enquiry held is valid. Therefore, no witnesses were examined and arguments were the question of punishment. It is argued by the Learned Counsel for petitioner that the petitioner was terminated orally on 2-1-1990 and therefore he may be directed to be taken back with all attendant benefits.

8. The Learned Counsel for respondent submitted that he was appointed on 22-10-1984 as badii coal filler. His attendance was very irregular in 1985 he worked for 91 days, in 1986 for 121 days and in 1987 for 22 days. Enquiry was held and he was dismissed from services w.e.f. 16.6.1988. One months notice pay was also sent to him. There was a settlement on 3-3-1989 that the management should reconsider the cases of certain employees who have been dismissed for absenteeism on condition that they will be put on trial for a period of 12 months and if his attendance is not more than 190 muster days in one calendar year the order of dismissal on the ground of absenteeism would automatically stand. Hence he was again reappointed in October, 1989 and he worked only for 9 days. During the whole year and absconded again. Therefore, he deserves no sympathy and a NIL Award is passed.

9. It may be seen that according to Ex M 10 he has also received one month's notice wages on 27-6-1988. During the centenary year, 1989 he was reappointed and during October to December, 1989 he worked for 9 days.

10. The settlement is Ex.M12. Wherein Para 3A of the said settlement states that the reemployment would be on trial basis for a period of 12 months and if they do not show satisfactory work in 190/240 days performance and their services would be terminated. It is an admitted case that during October, November and December, 1989 petitioner put in only 9 days, question of providing the concept of 12 months is not there because according to the respondent he absconded again and they did not dismiss him orally.

11. Seeing the past performance of the petitioner who hardly managed to work in 1985 for 91 days, in 1986 for 121 days and in 1987 for 22 days. And again when he was given a chance in October, November and December he worked for 9 days. Contention that whole year should have been given does not appear to be justified and in fact if a view of over all circumstances are taken into consideration it can be safely presumed that he abandoned the service and further as he is late in everything he has come to Court after a gap of 11 years. Hence he does not deserve any relief. However, if there is any work of badii worker available, and if this petitioner is found at the spot he may be given preference to others in the matter of appointment. The reference is ordered accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant, transcribed by her corrected by me on this the 24th day of October, 2001.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the	Witness examined for the
Petitioner:	Respondent:
NIL	NIL

Documents marked for the Petitioner/Union

NIL

Documents marked for the Respondent

Ex.M1: Application filed before Industrial Tribunal, Hyderabad

Ex.M2: Charge Sheet No.PK.3/8(b)/86

Ex.M3: Notification in Eenadu

Ex.M4: Domestic enquiry proceedings

Ex.M5: Enquiry Report

Ex.M6: Dismissal order Lt.No.FD/MGG/8/1156

Ex.M7: Money Order receipts of one month's notice wages

Ex.M8: Registered Post receipt.

Ex.M9: Undelivered registered cover.

EX.M10: Copy of remittance Lr. No.PK. 3/73/1477 dt. 27-6-1988

Ex.M11: Copy of application filed by the petitioner dt. 15-7-89

Ex.M12: Copy of Memorandum of Settlement dt. 3-3-1989

Ex.M13: Standing Orders.

नई दिल्ली, 29 नवम्बर, 2001

का. आ. 3426.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबंध निम्नलिखित और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th November, 2001

S.O. 3426.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22025/25/2001-IR(C-II)]

N.P. KESAVAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present Shri E. ISMAIL Presiding Officer

Dated:-24.10.2001

INDUSTRIAL DISPUTE L.C.I.D.No. 18 of 2001

Between:

Sri T. Ramulis, S/o Mallaiah.
H.No.DA/1004, Nehru Street,
Ramavaram,
Kothagudem-507 118.

Petitioner

AND

1. The General Manager,
M/s S.C.Co. Ltd.,
Manuguru-507 117.

2. The Colliery Manager,
M/s. S.C. Co. Ltd.,
P.K. 1 incline,

Manuguru. Dist. Khammam.

Respondents

APPEARANCES :

For the Petitioner : M/s. Smt. Satwath Rana
& Sri Mohd. Salahuddin

For the Respondent : M/s. Sri J. Parthasarathy,
Sri V. Hariharan &
Sri A. Chandrasekher.

AWARD

This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3.8.1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts stated in the petition are : that the petitioner was appointed as a badli coal filler w.e.f. 3-2-1984. He was attending to his duties regularly without any complaint. While working at P.K. 1 incline, the petitioner was issued charge sheet dated 2-1-1990 leveling the following charges : he had absented from duty unauthorized by which constitutes serious misconduct under clause 16 (16) & 16 of Company's Standing Orders. That on 2-1-1990 the petitioner was prevented from joining duty on the pretext that his services were terminated orally which is illegal, invalid and not sustainable in law. The appeal preferred is not disposed off inspite of repeated representations in person and through union. The petitioner therefore got issued legal notice dated 14-11-2000 to the first respondent which is acknowledged on 20-11-2000 which was not replied. That the charge sheet dated 2-1-1990 issued by the 2nd respondent is not in accordance with law and hence not tenable. The documents were not supplied to the petitioner, no fair and proper enquiry was conducted. Enquiry report was not submitted. That the petitioner is unemployed ever since his oral termination of 2-1-1990 and hence this Court may be pleased to put set aside the oral termination of the petitioner on 2-1-1990 and direct the respondent to reinstate the petitioner with continuity of services, full back wages and all attendant benefits in the interest for justice.

3. A counter was filed stating that the petitioner was appointed in the company w.e.f. 28.1.1984 as badli coal filler. His attendance was very irregular, viz.. as follows:

in 1985 - 176 days

in 1986 - 77 days

in 1987 - 33 days

4. Hence a charge sheet vide letter No. PK3/8B/79, dated 10-1-1988 was issued which could not be served and returned undelivered. Hence, a publication was made in the Telgu daily Eenadu dt. 1-3-1988 directing the petitioner to attend the enquiry on 21-3-1988, but, he did not and ex-parte enquiry was made. And he was dismissed from services w.e.f. 16-6-1988 vide office order dated 15.6.1988. One month's notice pay was also sent to the residential address of the petitioner by way of money order, which was also returned due to non-availability of the addressee. The respondent also filed a petition under Sec.33 (2) of the I.D. Act seeking approval of the Industrial Tribunal for the dismissal of the petitioner wherein also he did not appear.

5. Be that it may be so, inspite of all this there was a memorandum of settlement dated 3-3-1989 with the union under Sec. 12 (3) of the I.D. Act. Under Para 3 of the said settlement it was specifically agreed that as a gesture of goodwill, as it was a centenary year of the company, the management would review the cases of certain employees who had been dismissed for absenteeism on condition that they will be on trial for a period of 12 months and if there is no improvement during that period i.e., if the attendance is not more than 190 muster days in one calendar year, the order of dismissal on ground of absenteeism would automatically stand. Basing on that the petitioner was given an opportunity and reappointed in October, 1989. That the petitioner barely managed to put 9 days of muster of during the whole year and absconded again. Accordingly as he failed to fulfil minimum condition of the reappointment he automatically ceased to be employed from 1990. Hence the petition may be dismissed and a Nil Award may be passed.

6. It may be seen that there is some confusion which has to be set right now itself. The petitioner actually absented himself without leave of any kind or prior permission from 3-1-1987. Accordingly he was issued a charge sheet dated 10-1-1988 and an enquiry was conducted and he was dismissed. Again in view of memorandum of settlement as it was a centenary year he was reappointed from October, 1989 as he has to put in only 9 days of attendance, the petitioner was not allowed to join duty from 2-1-1990. This Court by an order dated 21-8-2001 held that the domestic enquiry was validly conducted. So far as the original enquiry which is charging is concerned it was already held that the same is validly conducted. The petitioner has not lead any evidence to the contra of the assertion by the respondent that he was again reappointed due to settlement due to centenary year in October, 1989. In fact the respondent said that in one year he should put in at least 190 days or more of muster

days. However, he has not. According to them he reported for more 9 days, actually there was no oral termination on 2-1-1990, the petitioner has raised a dispute after a passage of 12 years, and it was argued that he is trying to kick a dead horse. Hence, while the counsel for the petitioner submits that now respondent speaking lies how can they terminate him orally from 2-1-1990 and the termination dated 2-1-1990 is bad in law. Once when they have taken him back as per the agreement which is marked as Ex.M12 as per Para 3A. The trial should have been for 12 months. No doubt his attendance may be only 9 days during October, November and December, 1989, but, he might have worked for 190 days if he was given a chance for a period of 12 months. Hence, he submits that he may be taken back into service with continuity of service, back wages, and all other attendant benefits etc.

7. The arguments were heard on the validity of domestic enquiry and by an order dt. 21st August, 2001 this Court held that the domestic enquiry held is valid. Therefore, no witnesses were examined and arguments were heard on the question of punishment. It is argued by the Learned Counsel for the petitioner that the petitioner was terminated orally on 2.1.1990 and, therefore, he may be directed to be taken back with all attendant benefits.

8. The Learned Counsel for respondent submitted that he was appointed on 28-1-1984 as badii coal filler. His attendance was very irregular in 1985 he worked for 176 days, in 1986 for 77 days and in 1987 for 33 days. Enquiry was held and he was dismissed from services w.e.f. 16.6.1988. One month notice pay was also sent to him again there was a settlement on 3.3.1989 that the management to review the cases of certain employees who have been dismissed for absenteeism on condition that they will be put on trial for a period of 12 months and if his attendance is not more than 190 muster days in one calendar year the order of dismissal on the ground of absenteeism would automatically stand. Hence he was again reappointed in October, 1989 and he worked only for 9 days. During the whole year and absconded again. Therefore, he deserves no sympathy and a NIL Award is passed.

9. It may be seen that according to Ex.M10 he has also received one month's notice wages on 27-6-1988. During the centenary year, 1989 he was reappointed and during October to December, 1989 he worked for 9 days.

10. The settlement is Ex.M12. Wherein Para 3A of the said settlement states that the reemployment would be on trial basis for a period of 12 months and if they do not show satisfactory work in 190/240 days performance and their services would be terminated. It is an admitted case that during October, November and December, 1989 petitioner put in only 9 days, question of providing the concept of 12 months is not there because according to the respondent he absconded again and they did not dismiss him orally.

11. Seeing the past performance of the petitioner who hardly managed to work in 1985 for 176 days, in 1986 for 77 days and in 1987 for 33 days. And again when he was given a chance in October, November and December he worked for 9 days. Contention that whole year should have been given does not appear to be justified and in fact an over all circumstances are taken into consideration it can be safely presumed that he abandoned the service and further as he is late in everything he has come to Court after a gap of 11 years. Hence he does not deserve any relief. However, if there is any work of badli worker available, and if this petitioner is found at the spot he may be given preference to others in the matter of appointment. The reference is ordered accordingly. Transit.

Dictated to Kum. K. Phani Gowri, Personal Assistant, transcribed by her corrected by me on this the 24th day of October 2001.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner:	Witness examined for the Respondent :
NIL	NIL

Documents marked for the Petitioner/Union

NIL

Documents marked for the Respondent

Ex.M1: Application filed before Industrial Tribunal, Hyderabad

Ex.M2: Charge Sheet No.PK.3/8(b)/79

Ex.M3: Notification in Eenadu

Ex.M4: Domestic enquiry proceedings

Ex.M5: Enquiry Report

Ex.M6: Dismissal order Lr.No. PD/NGR/8/1165

Ex.M7: Money receipts of one month's notice wages

Ex.M8: Registered Post receipt

Ex.M9: Undelivered registered cover

EX.M10: Copy of remittance Ir. No.PK. 3/731569

Ex.M. 11: Copy of application filed by the petitioner dt.15.7.89

Ex.M12: Copy of Memorandum of Settlement dt. 3.3.1989.

नई दिल्ली, 29 नवम्बर, 2001

का. आ. 3427.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.

सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम म्यायालय हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th November, 2001

S.O. 3427.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management SCCL and their workman, which was received by the Central Government on 28-11-2001.

[No. L-22025/25/2001-IR(C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

Present Shri E. ISMAIL, Presiding Officer

Dated : 29th October, 2001

INDUSTRIAL DISPUTE No. L.C.I.D.No. 1/2001

Between :

1. Ande Lingaiah,
S/o Ellaiah, aged about 46 years
Occ-Ex-Badli Filler (Mazdoor),
Godavarikhani,
Karimnagar district
.....Petitioner

AND

1. The Singareni Collieries Co. Ltd.,
Rep. By it's The General Manager,
Ramagundam Area-1,
Godavarikhani,Respondents

APPEARANCES :

For the Petitioner : Shri A. Ravi Babu. Advocate

For the Respondent : Shri G. Praveen Kumar,
Advocate

AWARD

This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the Judgment of the Hon'ble High

Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sir U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief averments in the petition are: that the petitioner was appointed as badli worker in the management in the year 1973. The services in the category of mazdoor were regularized and the worker was made a permanent employee on the rolls of the management. The workman has put in about 13 years of service. Suddenly on 10-11-1986 the charge sheet dated 10-11-1986 was served on the workman stating that on 7-11-1986 when he was working in the 2nd shift at about 11.15 PM watchman on duty at the power house saw the petitioner on a bicycle with some materials belonging to the company and same were recovered from the workman. The workman was asked to submit his explanation as to why disciplinary action should not be taken against him including dismissal from services. Before the workman could submit his explanation, Security Officer of the Company called him to the office on 18-11-1986 at about 11 AM and asked him to confess the offence otherwise he will lose his job apart from that he will be handed over to the police on the charge of theft of the material of the company. The workman stated that he never committed any such theft of material of the company and much less on 7-11-1986 as alleged in the charge sheet. The workman was retained for about 4 to 5 hours in the Security Officer's room in the Security Office. Finally, the Personnel Officers of the company came to the Security Office and asked him to give a confessional statement and on such statement he would be pardoned and he will be taken back on duty and no police case will be registered. That the pressure exerted by the management company and also on the assurance given by the officials, though the workman has not committed the offence had to confess the same under threat to avoid all troubles both from the employer and the police. That on 11-1-1986 itself some statement was prepared by the officials and the workman was asked to sign on it. The workman when resisted the officials promised that from the next time onwards he can continue his job as his services would not be terminated. In fact, after 11-11-1986 neither any enquiry was conducted nor any witnesses were examined nor any notice, of enquiry was furnished to the workman and he was continued in service till 15-5-1987 on which date the impugned termination order was served on the workman terminating his services w.e.f. 13-5-1987. The Enquiry Officer's findings, if any, recorded were not furnished to the workman along with termination order. That the workman preferred an appeal before the General Manager, Singareni Collieries, Godavari Khani on 25-5-1987. He was pursuing the appeal preferred before the above authorities since then. Ultimately on 15-5-1987 he was informed that such appeals and representations are not entertained by the company and the appeals submitted by workman is deemed

to have been rejected. The order passed by the management bearing No.PR.G.I/32C/991, dated 13-5-1987 is bias, unreasonable, arbitrary and illegal. Therefore, he may be directed for reinstatement with all back wages and all attendant benefits.

3. A counter was filed stating the petitioner was appointed in the respondent company in the year 1973 subsequently he was posted to power house of the respondent company as General Mazdoor. The petitioner is a permanent worker and had put in 13 years of service. The petitioner was spotted red handed while he was taking companies property from the company's premises. The following articles were recovered: (1) One gunny bag full of Coal, (2) One M.S. Plate measuring approximately 450 mm x 2 mm and (3) One phosphor Bronze worn wheel of the SHK Pump from the water pre-treatment plant. Since he committed theft on 10-11-1986 domestic enquiry was conducted, the petitioner has fully participated in the enquiry and he was given full opportunity to defend his case. The petitioner pleaded guilty and admitted the offence. The petitioner was dismissed on 13-5-1987. The allegation that before the petitioner could submit his explanation, the Security Officer of the Company called him to the office and detained him and the confessional statement taken forcefully is all false. Further, the petitioner never complained that the confessional statement was taken under pressure. That there is ample evidence to show that theft was committed. Hence, the petitioner may be dismissed.

4. The petitioner's counsel conceded that the domestic enquiry is valid, on 8-8-2001. Therefore, once the domestic enquiry is held valid there is nothing left except to see whether the punishment awarded is commensurate with the alleged misconduct.

5. It is argued by the Learned Counsel for the petitioner that the petitioner has put in 13 years of service and during his entire career there was no occasion for the respondent management to complain regarding his integrity while discharge of his duties. That it was alleged that he was found carrying some company articles on the bicycle the workman being an illiterate person at the direction of Security Officer signed a statement which is called as confessional statement as no significance can be attached to the enquiry which is made to believe enquiry. The petitioner workman challenged the correctness of the order before the Hon'ble High Court through W.P.No. 11848/87 since there was an effective remedy under the Industrial Disputes Act, the workman sought permission for withdrawing the writ petition and he was allowed to withdraw the writ petition by an order dated 21-12-1989. He initiated the claim under Sec.2 A (2) by an order dated 12-11-1992 the same was dismissed as the Labour Court had no jurisdiction. He again challenged the same by filing writ petition No.6311/1996 and the Learned Single Judge

has remanded the matter for fresh decision with Labour Court. The respondent management was unsuccessful and ultimately the matter was carried before the Hon'ble Supreme Court which directed the petitioner to approach the Central Industrial Tribunal.

6. He further argued that Hon'ble Supreme Court held that non furnishing of enquiry report would render the decision of the disciplinary authority invalid, vide AIR 1991 Supreme Court page 471 INRE Mohd. Ramzan Khan Vs. Union of India. That there was no material to substantiate the charge as such imposition of penalty itself is erroneous. Further, it is not clear either from the charge sheet or from the report of the Enquiry Officer as to the actual value of the property alleged to have been found in possession of the petitioner workman. Further none of the witnesses ever spoke of the fact that petitioner workman was found to have committed on the theft of the material of the company. Therefore, it is a clear case of no evidence. Even so assuming that the charge is proved against the workman the punishment imposed is shockingly disproportionate to the gravity of the charge assuming that it has been established he relied on Judgement of the Hon'ble Supreme Court in AIR 1987 page 2387 wherein that Lordships held, "it should not be so disproportionate to the offence as to shock the conscience." He also relied on a Judgement reported in 1982 LAB 1C 1031 wherein it was said, "penalty of removal from service is therefore not called for when a poor worker yields to a momentary temptation and commits an offence which often passes under the Honourable name of kleptomania when committed by the rich. He also relied on ARI 1989 Supreme Court page 149 wherein the Lordships held, "It can not therefore be stated merely because the Labour Court had found the enquiry to be fair and lawful and the finding not to be vitiated in any manner. It ought not to have interfered with the order of termination of service passed against the respondent in exercise of its power under Section 6(2)(A)."

7. It is argued by the Learned Counsel for the respondent that it is a clear case of theft and the Learned Counsel for the petitioner has conceded that the enquiry held is valid. Therefore, the petitioner need not be shown any mercy and the punishment of dismissal imposed need not be interfered.

8. This case has got a chequered history of the petitioner approaching various forums and ultimately the controversy about the forum was set at rest by the Hon'ble Supreme Court in Civil Appeal No. 7799 of 1997 wherein its Lordships observed as follows, "we make it clear that the Central Labour Court shall decide the dispute on merits without considering the question of res judicata or delay in filing the proceedings, meaning hereby, the dispute has to be decided on merits and not any technical ground." That being so the question of delay or res judicata etc. will not arise. The only point is whether this Court can

interfere with the punishment of dismissal imposed on the petitioner. It may be seen that one Gunny bag of Coal, one M.S. Plate and one phosphor bronze wheel were alleged to be recovered from the petitioner.

9. It is clearly mentioned that the charge sheeted workman admitted the offence and hence the charges are proved against him. No doubt theft is serious offence and therefore, he was dismissed. In the normal situation, I would not have interfered with the punishment imposed on him but seeing the chequered history which was set at rest by the Hon'ble Supreme Court held. That this Court should decide merits without considering res judicata or any other thing and by then only 12 years had elapsed in 1999 by now 14 years being elapsed and in view of the fact that the enquiry report also does not mention anything about his past conduct. Further in view of Gujarat Judgement cited above where it was a case of absence of duty for about 2 days without obtaining prior permission of less than Rs. 50 and here also it was a momentary lapse, the Hon'ble Gujarat High Court has held, a penalty of removal from services is therefore not called for. Here also there is no evidence to show the value of the property anyway it was momentary lapse for which the exile of 14 years of the petitioner is sufficient. So taking all this chequered history I think it is a fit case that sympathy can be shown and provisions of Sec. 11 A can be invoked and hence the order of dismissal dated 13-5-1987 is set aside and the petitioner is directed to be reinstated back into service as Mazdoor on the pay scale available now within 30 days from the publication of this award. However he shall not be entitled for any back wages, seniority etc.

Award passed accordingly transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 29th Oct. 2001

E. ISMAIL, Presiding Officer.

Appendix of evidence

Witness examined for the Petitioner	Witness examined for the Respondent
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NIL

NIL

Document marked for the Petitioner/Union

NIL

Document marked for the Petitioner/Union

NIL

नई दिल्ली, 5 दिसम्बर, 2001

का. आ. 3428.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (VI) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1376 दिनांक 6-6-2001 द्वारा भारतीय खाद्य निगम को उक्त अधिनियम के प्रयोजनों के लिए 7-6-2001 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (४) के उपखंड (VI) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 7-12-2001 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/5/91-आई आर.(पी. एल.)]

एच. सी. गुप्ता, उप सचिव

New Delhi, the 5th December, 2001

S.O. 3428.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification; of the Government of India in the Ministry of Labour S.O. No. 1376 dated the 6-6-2001 services in the Food Corporation of India to be a public utility service for the purpose of the said Act, for a period of six months from the 7-6-2001.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 7-12-2001.

[No. S-11017/5/91-IR(PL)]

H.C. GUPTA, Dy. Secy

नई दिल्ली, 5 दिसम्बर, 2001

का. आ. 3429.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा -(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जनवरी, 2002 की उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 धारा —76 की उप-धारा (1) और धारा—77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् : —

“जिला विरूधुनगर में तालुक सिवाकासी के राजस्व ग्राम अलनकुलम, ए. लक्ष्मीपुरम और इसके अन्तर्गत छोटा गांव टी. करिसालकुलम तथा तालुक राजापलायम के राजस्व ग्राम की साराजाकुलारमन और इसके अन्तर्गत छोटा गांव थोम्बाकुलम एवं रेड्डी पट्टी”।

[सं. एस-38013/24/01-एस. एस.-I]

के. सी. जैन, निदेशक

New Delhi, the 5th December, 2001

S.O. 3429.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2002 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely:—

“Areas comprising the Revenue Villages of Iankulam, A. Lakshimipuram and its Hamlet T. Karisalkulam of Sivakasi Taluk and Keelarajakularaman and its hamlets Thombakulam and Reddipatti of Rajapalayam Taluk in Virudhunagar District.”

[No. S-38013/24/2001-S.S.I.]

K. C. JAIN, Director

नई दिल्ली, 6 दिसम्बर, 2001

का. आ. 3430.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जनवरी, 2002 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4, अध्याय-5 और 6 (धारा -76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध केन्द्र शासित क्षेत्र पाण्डिचेरी के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“नेट्टापक्कम कॉम्प्यून् के अन्तर्गत आने वाले राजस्व ग्राम—मुदुक्कराई, करियामनिकम, यरिपक्कम, नेट्टापक्कम, पण्डाशोजानूर, यमबलम, कोरकाडू और कर्कलम्बक्कम”।

[संख्या एस-38013/25/01-एस.एस.-I]

के. सी. जैन, निदेशक

New Delhi, the 6th December, 2001

S.O. 3430.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2002 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the Union Territory of Pondicherry namely:—

“Areas comprising the Revenue Villages of Madukkarai, Kariamanikkam, Eripakkam, Nettapakkam, Pandashozanur, Embalam, Korkadu and Karklambakkam of Ne-ttapakkam Commune.”

[No. S-38013/25/2001-S.S.I.]

K. C. JAIN, DIRECTOR

